

**STATE OF FLORIDA  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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**SUNBREAK FARMS, LLC,**  
a Delaware limited liability company.

Petitioner,

SFWMD No.

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**

vs.

ERP No. 56-00111-S  
(Application No. 180613-16)



**SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,**  
a public corporation of the State of Florida,

Respondent.

\_\_\_\_\_ /

**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

SUNBREAK FARMS, LLC, a Delaware limited liability company ("Sunbreak Farms"),  
by and through its undersigned counsel, and pursuant to Rule 28-106.201, Fl. Admin Code,  
hereby submits this petition for formal administrative hearing in regards to Application No.  
180613-16 ("Application") to modify existing South Florida Water Management District  
("SFWMD") Environmental Resource Permit ("ERP") No. 56-00111-S ("Permit"), and states as  
follows:

**PARTIES**

1. The name and address of the agency is:  
  
South Florida Water Management District  
  
3301 Gun Club Road  
  
West Palm Beach, Florida 33406
2. The name and address of the Petitioner is:  
  
Sunbreak Farms, LLC

5101 Minute Maid Road

Fort Pierce FL 34945

**BACKGROUND, HISTORY**

3. As provided above, this is an action to challenge a Proposed Agency Action by SFWMD to deny a modification to the Permit, pursuant to the Application.

4. Sunbreak Farms, LLC, a Delaware limited liability company, is the owner of, and operates a farm on, certain real property that is the subject matter of the Permit and is located in St. Lucie and Indian River Counties. Sunbreak Farms filed the Application, and by and through the undersigned counsel, files this challenge to its denial.

5. Sunbreak Farms grows corn to be used as silage for cattle feed, and cover crops between corn crops. It currently uses chemical fertilizers to provide nutrients to its crops. Its farming operations are overseen by professional farm managers.

6. Sunbreak Farms operates on property originally established by the Minute Maid Corporation as “Cloud Grove,” a citrus grove established over 50 years ago. Because it pre-dates the establishment of Florida’s water management districts and much of its infrastructure for drainage, the property was designed to hold its own stormwater, and generally does not need to discharge to area canals, although the Permit allows discharge. The property includes 67 miles of ditches and canals and a 640-acre reservoir which are collectively capable of holding sufficient water to avoid the need for the property to discharge in a typical season.

7. Sunbreak Farms receives less rainfall in an average year than is required for its crops, and its ground water has high salinity levels which limit its use for crops. Accordingly, Sunbreak Farms generally does not discharge from its property, but instead holds water if

possible. In addition, corn can tolerate a higher water table than citrus, so it is less necessary to remove water from the property than would be the case for citrus.

8. On March 14, 2018, Sunbreak Farms obtained Florida Department of Environmental Protection (“DEP”) Domestic Wastewater Facility Permit number FLA979830 (the “DEP Permit”) to operate a compost facility on 80.75 of its 6580 acres in St. Lucie and Indian River Counties<sup>1</sup>. The DEP Permit is attached as Exhibit “A”.

9. The DEP Permit is for the production of up to 80,000 dry tons of compost meeting the standards of Class AA fertilizer under Florida law, using Class B biosolids from wastewater treatment combined with vegetative waste. The DEP Permit provides that the composting will be conducted alongside each of 40 farm fields across Sunbreak Farms’ property, such that each approximately 2-acre compost pile will serve an adjacent field. If Sunbreak Farms is unable to obtain sufficient biosolids in any given composting cycle, it will produce proportionately less compost, on proportionately less of its land.

10. The DEP Permit provides detailed standards for the composting and for the construction of the composting areas, which do not permit deviation without a modification of the DEP Permit.

11. Pursuant to Fla. Stat. s. 403.067, application of Class AA fertilizer in compliance with Best Management Practices developed by the Florida Department of Agriculture and Consumer Services (“BMPs”) is entitled to a statutory presumption of compliance with state water quality standards.

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<sup>1</sup> Sunbreak Farms owns more than 6580 acres in this location. This number refers to farmed acreage, and excludes certain roads, a 640-acre reservoir, farm buildings and other lands not farmed.

12. Sunbreak Farms, LLC is enrolled in the BMP program, meets and exceeds BMPs in its farming activities, and is considered a model farm in this regard by the Florida Department of Agriculture and Consumer Services.

13. SFWMD was given an opportunity to provide input to DEP in that agency's review of Sunbreak Farms' application for the DEP Permit, and did so, recommending to DEP that it require berms to be constructed around each compost pile, to reduce and contain runoff from the composting piles ("Containment Berms"). DEP implemented this recommendation in the DEP Permit. Sunbreak Farms is unaware of any other recommendations from SFWMD in its consultation with DEP, whether or not implemented.

14. Construction of berms to contain or otherwise restrict the flow of water requires an Environmental Resource Permit ("ERP") pursuant to Fla. Stat. s. 373.413 and Ch. 373 generally.

15. Upon final issuance of the DEP Permit, Sunbreak Farms applied on or about June 13, 2018 to SFWMD to modify its ERP to construct the Containment Berms. Construction of the Containment Berms was the only change to the ERP requested by this application.

16. On July 13, 2018, SFWMD issued its first Request for Additional Information ("RAI"), to which Sunbreak Farms responded on August 13, 2018.

17. On September 14, 2018, SFWMD issued its second RAI, to which Sunbreak Farms responded on December 10, 2018.

18. On January 11, 2019, SFWMD issued its third RAI, to which Sunbreak Farms responded on April 5, 2019.

#### **NOTICE OF AGENCY DECISION**

19. On May 24, 2019, Sunbreak Farms received by email from an SFWMD representative a Notice of Proposed Agency Action to Deny the Application, which is attached at Exhibit “B”.

20. The justification given for the denial is as follows:

*The applicant has not provided reasonable assurances that the project will not result in adverse impacts to water resources. The applicant did not provide the requested water quality monitoring plan and reporting schedule designed to provide data to determine if the pollution abatement practices incorporated into the design of the stormwater management system will function properly as required by Section 4.9.3, Volume II of the Applicant's Handbook*

#### **RULES AND STATUTES REQUIRING REVERSAL**

21. The Operating Agreement, the Environmental Resources Permit Handbook Vols. I and II, Ch. 62-330.301, F.A.C., Ch. 403, Fla. Stat., Ch. 373, Fla. Stat.

22. The authority for issuance of ERPs is set forth in Part IV, Fla. Stat. Ch. 373, and specifically Fla. Stat. s. 373.413, which provides that “*the governing board [of a water management district] or the department may require such permits and impose such reasonable conditions as are necessary to assure that the construction or alteration of any stormwater management system, dam, impoundment, reservoir, appurtenant work, or works will comply with the provisions of this part and applicable rules promulgated thereto and will not be harmful to the water resources of the district.*”

23. Ch. 62-330.301, F.A.C., cited in the staff report that is part of the Notice of Proposed Agency Action to Deny the Application, requires that “*an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of the projects regulated under this chapter: [ ](e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in chapters 62-4,*

62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated.”

[Emphasis added]

24. To divide and delineate responsibility for environmental permitting between SFWMD and DEP, the agencies entered into that certain “Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S. Between South Florida Water Management District and Department of Environmental Protection,” dated May 10, 2007 (the “Operating Agreement”). The Operating Agreement is incorporated by reference in Ch. 62-113, F.A.C. The Operating Agreement is attached as Exhibit “C”.

25. In the Environmental Resource Permit Applicant’s Handbook, Vol. 1 (General and Environmental), which governs issuance of ERPs for DEP and all water management districts<sup>2</sup>, it notes the existence of all of the operating agreements between DEP and the districts, and says: *“These Agreements operate so that only one agency is responsible for permitting, compliance and enforcement of an activity, and identify which Agency is responsible for the various types of activities.”*

26. The Operating Agreement provides in pertinent part:

*“The DEPARTMENT shall review and take final action on all applications for permits and petitions for variances, under Part IV, Chapter 373, F.S., and variances or waivers under Section 120.542, F.S. for the project types listed in a. through t. below The permit applications encompassed within the DEPARTMENT’s responsibilities hereunder include those submitted for wetland resource (dredge and fill) permits and management and storage of surface water (MSSW) permits, pursuant to Subsection 373.414(11) through (16) F.S., as well as those submitted for environmental resource permits.*

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<sup>2</sup> Incorporated by reference in Rule 62-330.010(4), F.A.C.

\* \* \* \* \*

*c. Domestic or industrial wastewater treatment, storage, transmission, effluent disposal, or water reuse facilities that require a permit under Chapter 403, F.S. This includes all facilities and activities located at the domestic or industrial wastewater treatment facility; all reuse sites permitted under Parts II or IV of Chapter 62-610, F.A.C.; land application sites permitted under Part VI of Chapter 62.610, F.A.C.; and wetlands created using reclaimed water (from domestic wastewater or industrial wastewater sources). However, the DISTRICT shall review and take final action on permit applications for:*

*(1) Water reuse sites permitted under Part III of Chapter 62-610, F.A.C., such as facilities for the storage and application of reclaimed water to irrigate crops, golf courses, or other landscapes;*

*(2) Activities involving the application of reclaimed water to rehydrate wetlands or to provide artificial recharge to reduce or mitigate drawdown impacts due to well withdrawals;*

*(3) Those facilities that are subject to any of the requirements of Chapter 40E-4, 40E-40, 40E-41, F.A.C. through a system or activity which is not fully contained on the domestic or industrial wastewater facility site, but which is part of a larger project for which the DEPARTMENT does not review and take final action on permit applications under any paragraph in Section II.A.1. of this agreement.”[Emphasis added]*

27. The DEP Permit provides the location and dimensions of the Containment Berms are part of the composting facility:

*“Perimeter berms shall be formed around the composting areas prior to construction of windrows. The berms will be a minimum of 24” in height and will provide 100% containment of the 100-year, 3-day storm event over a typical compost area. No discharge from the compost areas to either the fields or the perimeter ditches will occur.” [ ] “The compost areas will be bermed on all four sides.” [Emphasis added]*

28. The DEP Permit also provides: *“The compost product will replace other fertilizer that is faster leaching from the sites. The net effect will be reduction in fertilizer use and reduced discharge of nutrients to the area canals.”*

29. The DEP Permit further provides: *“This facility does not discharge to surface waters. South Florida Water Management District has issued Stormwater Permit 56-00111-S.”*

30. The form monitoring report included as part of the DEP Permit provides for water quality monitoring, and the form of the DEP Permit includes a “Section III Ground Water Requirements.” Under that heading, the DEP Permit provides: “Section III is not applicable to this facility.” DEP had the opportunity, within the scope of its authority under the Operating Agreement, to require groundwater monitoring, but did not. Further, the Fact Sheet for the DEP Permit, under “Ground Water Monitoring Requirements,” states: “This section is not applicable to this facility.”

31. In RAI #2, SFWMD asked: *“Please provide a water quality monitoring plan and reporting schedule designed to provide data to determine if the pollution abatement practices incorporated into the design for the drainage system will function properly. The plan should also provide reasonable assurance that stormwater discharges from the composting cells will not result in adverse impacts to water resources. Surface and ground water sampling should be included and specifically described in the plan. The monitoring plan should include an explanation of how the proposed program will achieve valid measurements of flow, bacteria, nitrogen, phosphorus, and dissolved oxygen concentration; description of monitoring sites; sample collection methods, technique, preservation, identification and schedules; description of laboratory analyses, reporting delivery and data review; and other items as necessary to determine if the pollution abatement practices incorporated into the design are functioning properly and will prevent water quality degradation. [Section 4.9.3, Vol. II]”*[Emphasis added]<sup>3</sup>

32. In its response to RAI #2, counsel for Sunbreak Farms raised the foregoing issues.

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<sup>3</sup> Environmental Resource Permit Applicant’s Handbook Vol. II is incorporated by reference in Rule 40E-4.091(1)(a) and Rule 62-330.010, F.A.C.



33. Further, the foregoing response noted that representatives of SFWMD had assured the applicant that the concerns of SFWMD involved only the activities conducted by Sunbreak Farms pursuant to the DEP Permit, not the application of Class AA fertilizer pursuant to BMPs, so Sunbreak Farms' response only addressed issues relating to the composting activities.

34. In RAI #3, SFWMD asked for an alternative to water quality sampling that would give SFWMD "adequate assurances" that the "pollution abatement practices proposed in the design are functioning properly and meet the objectives of Section 4.9.3, Vol. II."

35. The "pollution abatement practices proposed in the design" which SFWMD refers to are those required by the DEP Permit, which were analyzed and approved by DEP, and which cannot be deviated from without a modification of the DEP Permit. They are part and parcel of the wastewater treatment facility which is the subject of the DEP Permit.

36. Conducting its farming practices consistently with BMPs entitles Sunbreak Farms to a statutory entitlement to a presumption of compliance under Florida Statutes for activities outside the scope of the DEP Permit. Sunbreak Farms is not aware of any allegation that it does not conduct its operations in compliance with applicable BMPs.

37. Section 4.9, Vol. II of the Environmental Resource Permit Applicant's Handbook provides:

***4.9 Water Quality Monitoring***

*All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards.*[Emphasis added]

\* \* \* \* \*

***4.9.3*** *There are two reasons for requiring water quality monitoring by permittees, as follows:*

*(a) Such data can be used to determine if the pollution abatement practices incorporated into the design for the drainage system are functioning properly.*

*(b) In some cases there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the apparent pollutant removal efficiency of the drainage system.*

38. The modification sought by Sunbreak Farms to its ERP is not a new drainage project. The Containment Berms are in fact the opposite of new drainage; they are new impoundments of stormwater as part of a drainage system which has been in place for over a half-century. They were mandated by DEP at the recommendation of SFWMD pursuant to design criteria set forth in a DEP Permit issued under DEP's exclusive jurisdiction over wastewater treatment.

39. By attempting to require monitoring above and beyond that required by DEP under a wastewater treatment permit, SFWMD is attempting to impose additional requirements upon an activity over which DEP has exclusive authority.

40. By attempting to require water quality monitoring, SFWMD is disregarding Florida's statutory presumption of compliance for farming activities conducted in accordance with BMPs.

41. In both cases, SFWMD is disregarding the findings of DEP as set forth in the DEP Permit.

#### **EFFECT ON THE SUBSTANTIAL INTERESTS OF SUNBREAK FARMS**

42. Sunbreak Farms is the applicant in the permit modification at issue. It has expended significant time, money and effort in obtaining the DEP Permit, and over 15 months later is unable to benefit from operating under that permit. Class AA compost, as compared to commercial chemical fertilizers, is superior in many ways. As a soil enhancement, compost becomes part and parcel of the soil, rather than sitting atop the soil. As such, it is more likely to remain in place and be taken up by the crop, and less likely to be washed away in rainfall. Compost is taken up more slowly and consistently by the crop, and over time reduces the overall

demand for nutrient additives. It also helps soil to absorb and hold moisture in place. Sunbreak has accepted tons of tree and yard waste from recent hurricanes in anticipation of implementing its composting plan under the DEP Permit, but has been unable to do during the pendency of the Application, and now this challenge to its denial. Class AA composting as contemplated by the DEP Permit is significantly less expensive in the long term than the fertilizers currently being applied by Sunbreak. Finally, using composted biosolids in the production of agricultural products is widely considered an environmental and social benefit, and superior to the alternative methods of disposal of biosolids, namely direct land application of Class B biosolids, incineration and depositing them in municipal landfills. Sunbreak Farms' location is ideally constructed and located for use of biosolids composting. Sunbreak Farms is particularly and specifically aggrieved and adversely affected by SFWMD's proposed denial of the Application, for which Sunbreak Farms has demonstrated entitlement. Without the modification to the ERP sought by the Application, Sunbreak Farms is prevented from engaging in the activities contemplated by the DEP Permit.

#### **DISPUTED ISSUES OF MATERIAL FACT**

43. Whether Sunbreak Farms provided adequate assurances to SFWMD that the Containment Berms requested in the Application would not create adverse effects.

44. Whether the project being reviewed by SFWMD was the Containment Berms contemplated by the Application, or the wastewater facility permitted by the DEP Permit.

45. Whether Section 4.9 generally, and Section 4.9.3 specifically, of the Environmental Resource Permit Applicant's Handbook Vol. II, apply to the Application.

46. Whether the Application otherwise satisfies the applicable statutory and rule criteria entitling it to the modification which the Application requests.

## **ULTIMATE FACTS WARRANTING REVERSAL**

47. Sunbreak Farms' composting activities were reviewed and analyzed by DEP, which made specific findings as set forth in the DEP Permit. These include that the facility does not discharge to surface waters, that the use of Class AA compost will lead to both a reduction in the use of nutrients at the permitted property and a reduction in nutrient discharge from the property.

48. The design of the facility is dictated by the DEP Permit, based on DEP review of the application of Sunbreak Farms, and its own expertise in the area of wastewater treatment generally and composting specifically. Sunbreak Farms is not at liberty to deviate from the design as dictated by the DEP Permit.

49. SFWMD refused to recognize the findings of DEP as set forth in the DEP Permit, and accept them as reasonable assurances that water quality standards will be met.

50. SFWMD disregarded the presumption of compliance granted under Florida Statutes to agricultural operations implementing BMPs, in requiring further assurances regarding use of Class AA fertilizer.

51. SFWMD disregarded the Operating Agreement and the Applicant's Handbook in attempting to apply additional performance and monitoring requirements to an activity permitted by DEP, and exclusively within the authority of DEP.

52. SFWMD misconstrued Sec. 4.9 of the Environmental Resource Permit Applicant's Handbook, Vol. II by attempting to apply monitoring criteria for new drainage projects to a modification which sought only to impound water, in the manner required by the DEP Permit, at the recommendation of SFWMD.

53. The Application satisfied the applicable statutory and rule criteria, such that Sunbreak Farms is entitled to be issued the modification for which it applied.

**RELIEF SOUGHT BY PETITIONER**

54. Sunbreak Farms requests SFWMD to forward this Petition to the Division of Administrative Hearings for assignment to an Administrative Law Judge, and following a formal evidentiary administrative proceeding, requests a final order granting the Permit modification requested by the Application, and such other relief as may be deemed appropriate..

Respectfully submitted this 11<sup>th</sup> day of June, 2019.

DEAN, MEAD, & DUNBAR

By: /s/ John L. Wharton

John L. Wharton

Dennis G. Corrick

215 S. Monroe St., Suite 815

Tallahassee FL

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Attorneys for Petitioner

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed by electronic mail with South Florida Management District, c/o Office of the District Clerk (Clerk@SFWMD.gov), 3301 Gun Club Road, West Palm Beach, FL 33406, with copies served electronically to SFWMD c/o Susan Roeder Martin, South Florida Water Management District (SMartin@SFWMD.gov, Litigation@SFWMD.gov), 3301 Gun Club Road, West Palm Beach, FL 33406, on this 11<sup>th</sup> day of June 2019, and that the original physically signed document will be

retained for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in this cause and that Petition shall produce it upon the request of other parties.

By: /s/ John L. Wharton

John L. Wharton

## Exhibit "A"



### Florida Department of Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 14, 2018

In the Matter of an  
Application for Permit by:

Sunbreak Farms, LLC  
Patrick B. Cheney  
5101 Minute Maid Rd.  
Fort Pierce, Florida 34945-4351  
Email: [pbcheney@colvin-co.com](mailto:pbcheney@colvin-co.com)

File Number FLA979830-001-DW1S  
St. Lucie and Indian River Counties  
Sunbreak Farms Compost Facility

Enclosed is Permit Number FLA979830 to construct and operate the Sunbreak Farms, issued under Chapter 403, Florida Statutes.

Monitoring requirements under this permit are effective on the first day of the second month following the effective date of the permit. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any.

Any party to this order (permit) has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this document is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

A handwritten signature in blue ink that reads "Jennifer K. Smith".

March 14, 2018

Jennifer K. Smith  
Southeast District Director  
Department of Environmental Protection  
3301 Gun Club Road  
MSC 7210-1  
West Palm Beach, FL 33406

Date

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, under Section 120.52, Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.

Mandakini Patel

Clerk

March 14, 2018

Date

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on March 14, 2018, to the listed persons.

Mandakini Patel

Name

March 14, 2018

Date

Enclosure

Certified copies furnished to:

Jeff Christian, DEP/SED, [Jeff.Christian@dep.state.fl.us](mailto:Jeff.Christian@dep.state.fl.us)  
Michael Bechtold, DEP/SED, [Mike.Bechtold@dep.state.fl.us](mailto:Mike.Bechtold@dep.state.fl.us)  
Maurice Barker, DEP/TLH, [Maurice.Barker@dep.state.fl.us](mailto:Maurice.Barker@dep.state.fl.us)  
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Patrick Dayan, Water Quality Division Manager, [DayanP@stlucieco.org](mailto:DayanP@stlucieco.org)  
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Kate Pingolt Cotner, [kcotner@ircgov.com](mailto:kcotner@ircgov.com)  
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## Florida Department of Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

### STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

**PERMITTEE:** Sunbreak Farms, LLC

**Authorized Representative:**

Patrick B. Cheney  
5101 Minute Maid Rd.  
Fort Pierce, Florida 34945-4351  
Email: [pbcheney@colvin-co.com](mailto:pbcheney@colvin-co.com)

**PERMIT NUMBER:** FLA979830

**FILE NUMBER:** FLA979830-001-DWIS

**ISSUANCE DATE:** March 14, 2018

**EFFECTIVE DATE:** March 14, 2018

**DMR MONITORING START DATE:** When a composting site  
is in operation.

**EXPIRATION DATE:** March 13, 2023

#### **FACILITY:**

Sunbreak Farms, LLC  
5101 Minute Maid Road  
Fort Pierce, FL 34945  
St. Lucie and Indian River Counties  
Latitude: 27° 31 ' 28.05" North Longitude: 80° 32' 50.96 West

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.). This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above-named permittee is hereby authorized to construct and operate the facilities in accordance with the documents attached hereto and specifically described as follows:

#### **BIOSOLIDS TREATMENT FACILITY:**

A new, Type I Biosolids Management Facility with a permitted Class AA compost production of approximately 80,000 dry tons per year. Sunbreak Farms will utilize the Modified Static Aerated Pile (MSAP) method to achieve the required compost treatment of biosolids as approved by EPA. The MSAP method has been approved as a method modification by EPA Region 9 (July 1, 2003), and its use has also been allowed by EPA Regions 4 and 8 as an alternative Process to Further Remove Pathogens (PFRP). Biosolids will be blended at the facility with bulking agents that primarily consist of chipped yard trash debris and other green waste and mixed at a ratio of 3-to-1 (green waste to biosolids). They may include other organic wastes like chicken manure and other animal wastes mixed with the biosolids. Composting of these other wastes without mixing with biosolids can be under a solid waste compost permit at the option of the Permittee. Prior to placing blended biosolids in the management area a 50:50 blend of ground yard trash and screened compost from screening during post-processing, shall be used to create a 12-inch base layer upon which active composting will be placed. The blended biosolids will be placed into windrows constructed to dimensions that are approximately 16 feet wide and 8 feet tall. Once each windrow or

windrow section is complete Sunbreak Farms staff shall apply a 12-inch layer of bulking agent over the top and sides of the windrow.. Pathogen reduction standards for Class AA compost will be achieved by maintaining a minimum temperature of 131degrees F (55 degrees C) in each windrow for a minimum period of 15 consecutive days. Vector attraction reduction of Class AA compost will be achieved by maintaining aerobic composting with a temperature greater than 104 degrees F (40 degrees C) for 14 days or longer after the Pathogens period of 15 days. Once Sunbreak Farms has confirmed the compost product meets all permitted criteria for a Class AA fertilizer it will be distributed and marketed as fertilizer with a Florida Department of Agriculture and Consumer Services (FDAC) issued fertilizer license.

**IN ACCORDANCE WITH:** The limitations, monitoring requirements, and other conditions set forth in this cover sheet and Part I through Part IX on pages 1 through 14 of this permit.

## **I. REPORTING AND MONITORING REQUIREMENTS**

### **A. Limitations and Monitoring and Reporting Requirement**

1. The permittee shall provide safe access points for obtaining representative samples which are required by this permit. [62-600.650(2)]
2. Monitoring requirements under this permit are effective on the first day of the second month following the effective date of the permit. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Unless specified otherwise in this permit, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below. DMRs shall be submitted for each required monitoring period including periods of no discharge.

REPORT Type on DMR	Monitoring Period	Submit by
Monthly	first day of month - last day of month	28 <sup>th</sup> day of following month
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 31	July 28 January 28
Annual	January 1 - December 31	January 28

The permittee may submit either paper or electronic DMR forms. If submitting electronic DMR forms, the permittee shall use the electronic DMR system approved by the Department (EzDMR) and shall electronically submit the completed DMR forms using the DEP Business Portal at <http://www.fldepportal.com/go/>. Reports shall be submitted to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms.

If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms to the Department's Southeast District Office at the address specified in Permit Condition I.A. 3. by the twenty-eighth (28th) of the month following the month of operation.  
[62-620.610(18)][62-600.680(1)]

3. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southeast District Office at the address specified below:  
Florida Department of Environmental Protection

Southeast District  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, Florida 33406-3007 Phone Number - (561)681-6600  
[62-620.305]

4. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]

## II. BIOSOLIDS MANAGEMENT REQUIREMENTS

### A. Basic Requirements

1. Class AA Biosolids Compost generated by this facility may be distributed and marketed or disposed of in a Class I solid waste landfill. [62-620.320(6), 62-640.880(1)]
2. The permittee shall monitor and keep records of the quantities of biosolids generated, received from source facilities, treated, distributed and marketed, land applied, used as a biofuel or for bioenergy, transferred to another facility, or landfilled. These records shall be kept for a minimum of five years. [62-640.650(4)(a)]
3. Biosolids quantities shall be monitored for each composting site by the permittee as specified below. Monitoring results of all compost sites distributed and marketed that month shall be reported on the permittee's Discharge Monitoring Report for Monitoring Group RMP-Q in accordance with Condition I.A.3.

Parameter	Units	Max/ Min	Biosolids Limitations		Monitoring Requirements		
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Biosolids Quantity (Distributed & Marketed in FL)	ton (d)	Max	Report	Monthly Total	Monthly	Calculated	RMP-01
Biosolids Quantity (Distributed & Marketed outside FL)	ton (d)	Max	Report	Monthly Total	Monthly	Calculated	RMP-02
Biosolids Quantity (Landfilled)	ton (d)	Max	Report	Monthly Total	Monthly	Calculated	RMP-03
Biosolids Quantity (Received)	ton (d)	Max	Report	Monthly Total	Monthly	Calculated	RMP-04

[62-640.650(5)(a)1]

4. Biosolids quantities shall be calculated as listed in Permit Condition II.3. and as described below:

Monitoring Site Number	Description of Monitoring Site Calculations
RMP-01	See Specific Condition II. A. 5.
RMP-02	See Specific Condition II. A. 5.
RMP-03	See Specific Condition II. A. 5.
RMP-04	See Specific Condition II. A. 5.

The following are the approved Monitoring Site Calculations:

- Dry tons = gallons of biosolids x 8.34 lbs./gallon x ton/2000 lbs. x percent solids/100
  - Dry tons = cubic yards (wet) of biosolids x bulk density of biosolids/cubic yard x ton/2000 lbs. x percent solids/100
  - Dry tons = wet tons x percent solids/100
  - If a biosolids analysis is not available then the percent total solids can be estimated using 1.75 % total solids for liquid biosolids and 17.75 % total solids for dewatered "cake".
  - Percent solids will be obtained from the annual biosolids analysis required by the permit. The gallons are the total transferred to another facility, used as a biofuel/for bioenergy or landfilled. As a guide, a typical load of liquid biosolids removed by truck is usually 6,000 gallons.
5. The treatment, management, transportation, use, land application, or disposal of biosolids shall not cause a violation of the odor prohibition in subsection 62-296.320(2), F.A.C. [62-640.400(6)]
  6. Storage of biosolids or other solids at this facility shall be limited to 15 days unless the Permittee submits and receive approval of the Facility Biosolids Storage Plan. Afterwards, storage of biosolids or other solids at this facility shall be in accordance with the Facility Biosolids Storage Plan. [62-640.300(4)]
  7. Biosolids shall not be spilled from or tracked off the treatment facility site by the hauling vehicle. [62-640.400(9)]

#### **B. Treatment and Monitoring Requirements**

1. The permittee is authorized to produce Class AA biosolids.
2. The permittee shall achieve Class A pathogen reduction by meeting the pathogen reduction requirements in section 503.32(a)(7) (Use of PFRP (Processes to Further Reduce Pathogens - Composting – Temperatures are monitored on a daily basis at depths of 10", 20", 30", and 40" at every 100' along pile or another method as approved in the operating protocol. Temperatures are greater than 131 degrees F at all locations in the pile for a minimum of 15 days.) of Title 40 CFR Part 503. [62-640.600(1)(a)]
3. The permittee shall achieve vector attraction reduction for Class A or B biosolids by meeting the vector attraction reduction requirements in section 503.33(b)(5) (Use aerobic processes at greater than 40°C (average temperatures 45°C) for an additional 14 days or longer after completion of pathogens reduction (e.g., during biosolids composting) of Title 40 CFR Part 503. [62-640.600(2)(a)]
4. The time and temperature shall be routinely monitored to demonstrate compliance with pathogen reduction requirements specified in Rule 62-640.600, F.A.C. [62-640.650(3)(a)2]
5. The time and temperature shall be routinely monitored to demonstrate compliance with vector attraction reduction requirements specified in Rule 62-640.600, F.A.C. [62-640.650(3)(a)2]
6. Treatment of liquid biosolids or septage for the purpose of meeting the pathogen reduction or vector attraction reduction requirements set forth in Rule 62-640.600, F.A.C., shall not be conducted in the tank of a hauling vehicle. Treatment of biosolids or septage for the purpose of meeting pathogen reduction or vector attraction reduction requirements shall take place at the permitted facility. [62-640.400(7)]

7. Class AA biosolids shall comply with the limits and be monitored by the permittee as specified below. Results shall be reported on the permittee's Discharge Monitoring Report in accordance with Permit Condition I.A.3. Biosolids shall not be distributed and marketed or land applied if a single sample result or the monthly average of sample results for any parameter exceeds the following Class AA parameter concentrations:

Parameter	Units	Max/ Min	Biosolids Limitations		Monitoring Requirements		
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Nitrogen, Sludge, Total, Dry Weight (as N)	percent	Max	Report	Monthly Average	Monthly	Composite	RMP-AA
Phosphorus, Sludge, Total, Dry Weight (as P)	percent	Max	Report	Monthly Average	Monthly	Composite	RMP-AA
Potassium, Sludge, Total, Dry Weight (as K)	percent	Max	Report	Monthly Average	Monthly	Composite	RMP-AA
Arsenic Total, Dry Weight, Sludge	mg/kg	Max Max	41.0 75.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Cadmium, Sludge, Total, Dry Weight (as Cd)	mg/kg	Max Max	39.0 85.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Copper, Sludge, Total, Dry Weight. (as Cu)	mg/kg	Max Max	1500.0 4300.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Lead, Dry Weight, Sludge	mg/kg	Max Max	300.0 840.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Mercury, Dry Weight, Sludge	mg/kg	Max Max	17.0 57.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Molybdenum, Dry Weight, Sludge	mg/kg	Max	75.0	Single Sample	Monthly	Composite	RMP-AA
Nickel, Dry Weight, Sludge	mg/kg	Max Max	420.0 420.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Selenium Sludge Solid	mg/kg	Max Max	100.0 100.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Zinc, Dry Weight, Sludge	mg/kg	Max Max	2800.0 7500.0	Monthly Average Single Sample	Monthly	Composite	RMP-AA
pH	s.u.	Max	Report	Single Sample	Monthly	Grab	RMP-AA
Solids, Total, Sludge, Percent	percent	Max Max	Report Report	Monthly Average Single Sample	Monthly	Composite	RMP-AA
Coliform, Fecal	MPN/g	Max	1000.0	Single Sample	Monthly	Grab	RMP-AA
Salmonella Sludge	MPN/4g	Max	3.0	Single Sample	Monthly	Grab	RMP-AA

\*Either the fecal coliform limit or Salmonella sp. limit must be met.

\*\*Note, monthly averages of parameter concentrations shall be determined by taking the arithmetic mean of all sample results for the month. [62-640.650(3)(a)(3), 62-640.700(5)(a), 62-640.700(5)(b) and 62-640.850(4)]

8. Class AA biosolids that are stored for more than 45 days shall be re-sampled for fecal coliform or Salmonella sp. every Month until removed from the storage pads. [62-640.650(3)(a)5]
8. Sampling and analysis shall be conducted in accordance with 40 CFR Part 503.8 and the U.S. Environmental Protection Agency publication - POTW Sludge Sampling and Analysis Guidance Document, August 1989. In cases where conflicts exist between 40 CFR 503.8 and the POTW Sludge Sampling and Analysis Guidance Document, the requirements in 40 CFR Part 503.8 will apply. [62-640.650(3)(a)1]
9. All samples shall be representative and shall be taken after final treatment of the biosolids but before land application or distribution and marketing. [62-640.650(3)(a)5]

10. Biosolids samples shall be taken at the composting site locations listed in II. B. 7. and as described below:

Monitoring Site Number	Description of Monitoring Site
RMP-AA	Class AA Biosolids Monthly Samples composite representative sample of the compost piles after completion of Pathogens Reduction and Vector Attraction Reduction has been completed

**C. Distribution and Marketing**

1. Biosolids or biosolids products may be distributed and marketed only if the biosolids or biosolids products meet Class AA standards and are either sold or given-away under a Florida fertilizer license or distributed and marketed to a person or entity that will sell or give-away the biosolids or biosolids products under Florida fertilizer license. Biosolids composts that are enrolled and certified under the U.S. Composting Council's Seal of Testing Assurance (USCC STA) program do not have to be sold or given-away under a Florida fertilizer license except if distributed and marketed within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds. [62-640.850]
2. Within 24 hours of discovering that distributed and marketed biosolids did not meet the Class AA standards, the permittee shall notify the Department and all persons to whom they delivered or distributed and marketed the Class AA biosolids. [62-640.650(6)(g)]
3. The permittee shall make the following information available to users by product labels or other means:
  - a. The fertilizer label required by Florida fertilizer law or the equivalent information required by the USCC STA program;
  - b. The name and address of the facility or person that produced the Class AA biosolids;
  - c. A statement that the biosolids or biosolids product meets the criteria of subsection 62-640.700(5), F.A.C.;
  - d. Recommendation that biosolids be applied at a rate that does not exceed crop or plant nutrient needs and;
  - e. Recommendations on proper storage of the biosolids or biosolids product prior to use. For distributed quantities of biosolids or biosolids products greater than one dry ton, the recommendations shall include that biosolids may not be stored on property for more than seven days unless stored to prevent runoff of biosolids or stormwater that has been in contact with biosolids, violation of the odor prohibition in subsection 62-296.320(2), F.A.C., and vector attraction.

[62-640.850(5)]

**D. Disposal**

1. Disposal of biosolids, septage, and "other solids" in a solid waste disposal facility, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. [62-640.100(6)(b) & (c)]

**E. Receipt**

1. The permittee shall enter into a written agreement with each source facility that it intends to receive biosolids from. The agreement shall address the quality and quantity of the biosolids accepted by the permittee. The agreement shall include a statement, signed by the permittee, as to the availability of sufficient permitted capacity to receive the biosolids from the source facility, and indicating that the permittee will continue to operate in compliance with the requirements of its permit. The agreement

shall also address responsibility during transport of biosolids between the facilities. The permittee shall submit a copy of this agreement to the Department's Southeast District Office at least 30 days before transporting biosolids from the source facility to the permittee. [62-640.880(1)(c)]

### **III. GROUND WATER REQUIREMENTS**

1. Section III is not applicable to this facility.

### **IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS**

1. Section IV is not applicable to this facility.

### **V. OPERATION AND MAINTENANCE REQUIREMENTS**

#### **A. Staffing Requirements**

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of one or more operators certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Type I Biosolids Treatment Facility and, at a minimum, operators with appropriate certification must be on the site as follows:

The level of operator staffing at a biosolids treatment facility shall be Class A Operator for 8 hours/day for 5 days/week.

2. An alternative to the above staffing is as follows:

A Certified Compost Program Manager certified by the Solid Waste Association of North America (SWANA), in partnership with the U.S. Composting Council's Professional Credentials Committee or a Florida Professional Engineer. A lead/chief operator shall be present at the facility at least 8 hours per week. 62-640.880(2)(j)4.

A lead operator assistant under the direct supervision of the lead/chief operator shall be present at the facility 8 hours/day for 5 days/week. If the lead/chief operator is present more than 8 hours per week, the lead/chief operator can substitute for the lead operator assistant coverage on an hour for hour basis for hours over the minimum 8 hours per week. The lead/chief operator and the lead operator assistant shall work together at the plant for at least 8 hours per week unless the lead/chief operator works more than 8 hours/day for 5 days/week. 62-640.880(2)(j)4.

3. A lead/chief operator or a Florida Professional Engineer (P.E) shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Due to the nature of the composting operations, seldom will a lead/chief operator or P.E. be needed outside normal work schedules. [62-699.311(10), (6) and (1)]

#### **B. Capacity Analysis Report and Operation and Maintenance Performance Report Requirements**

1. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1)]

#### **C. Recordkeeping Requirements**

1. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
  - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

- b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
- c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
- d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
- e. A copy of the current permit;
- f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
- g. A copy of any required record drawings;
- h. Copies of the licenses of the current certified operators;
- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and license number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities, including any preventive maintenance or repairs made or requested; results of tests performed and samples taken, unless documented on a laboratory sheet; and notation of any notification or reporting completed in accordance with Rule 62-602.650(3), F.A.C. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed; and
- j. Records of biosolids quantities, treatment, monitoring, and hauling for at least five years.

[62-620.350, 62-602.650, 62-640.650(4)]

## VI. SCHEDULES

1. The following self-improvement actions (the following schedule is not a compliance schedule) are planned by the Permittee according to the following schedule:

Improvement Action	Completion Date
1. Completion construction of composting facility	July 1, 2020

2. Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the Permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities. The project calls for a number of pads to be used for the composting operation and the retention basin for stormwater treatment. Each pad and respective retention basin should be certified complete. This may include multiple partial certification. After all the planned basins and retention basins are certified, the Permittee shall indicate this is a final certification. [62-620.410(7)]
3. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-620, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. This will include partial certifications.. [62-620.410(6) and 62-620.630(7)]
4. The permittee is not authorized to produce distribute and market composted biosolids after the expiration date of this permit, unless:
  - a. The permittee has applied for renewal of this permit at least 180 days before the expiration date of this permit using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater



Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or

- b. The permittee has made complete the application for renewal of this permit before the permit expiration date.

*[62-620.335(1) - (4)]*

## **VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS**

This facility is not required to have a pretreatment program. *[62-625.500]*

## **VIII. OTHER SPECIFIC CONDITIONS**

1. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C. *[62-600.410(5) and 62-640.400(6)]*
2. The permittee shall provide verbal notice to the Department's Southeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, wastewater residuals (sludges), or reclaimed water. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Southeast District Office in a written report within 7 days of the sinkhole discovery. *[62-620.320(6)]*

## **IX. GENERAL CONDITIONS**

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1)]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications, or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2)]*
3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the Total project which are not addressed in this permit. *[62-620.610(3)]*
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4)]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes

and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or biosolids use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
  - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  - b. Have access to and copy any records that shall be kept under the conditions of this permit;
  - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9)]

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a

reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12)]

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15)]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16)]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
  - a. A description of the anticipated noncompliance;
  - b. The period of the anticipated noncompliance, including dates and times; and
  - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-600, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
  - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
  - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
  - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
  - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.

- f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

*[62-620.610(18)]*

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19)]*
20. The permittee shall report to the Department's Southeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
  - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
  - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WATCH OFFICE TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Watch Office:
    - (a) Name, address, and telephone number of person reporting;
    - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
    - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
    - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
    - (e) Estimated amount of the discharge;
    - (f) Location or address of the discharge;
    - (g) Source and cause of the discharge;
    - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
    - (i) Description of area affected by the discharge, including name of water body affected, if any; and
    - (j) Other persons or agencies contacted.
  - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Southeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southeast District Office shall waive the written report.

*[62-620.610(20)]*

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX.17., IX.18., or IX.19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20. of this permit. [62-620.610(21)]

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Permit Condition IX.22.c. of this permit.
- c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX.22.b.(1) through (3) of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX.22.b. through d. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
  - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
  - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in Permit Condition IX.20. of this permit; and
  - (4) The permittee complied with any remedial measures required under Permit Condition IX.5. of this permit.

- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



March 14, 2018

Jennifer K. Smith  
Southeast District Director  
Department of Environmental Protection  
3301 Gun Club Road  
MSC 7210-1  
West Palm Beach, FL 33407

Date

JS/DP/brk: FLA979830-001-DW1S-NP

**DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A**

**When Completed submit this report to:** Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406-3007

PERMITTEE NAME: Sunbreak Farms  
MAILING ADDRESS: 5101 Minute Maid Rd  
Fort Pierce, Florida 34945-4351

PERMIT NUMBER: FLA979830-001-DW1S

FACILITY: Sunbreak Farms  
LOCATION: 5101 Minute Maid Road  
Fort Pierce, FL 34945-

LIMIT: Final  
CLASS SIZE: N/A  
MONITORING GROUP NUMBER: RMP-AA  
MONITORING GROUP DESCRIPTION: Class AA Biosolids Management Composting  
RE-SUBMITTED DMR: ☐  
NO DISCHARGE FROM SITE: ☐  
MONITORING PERIOD From: \_\_\_\_\_ To: \_\_\_\_\_

REPORT FREQUENCY: Monthly  
PROGRAM: Domestic

COUNTY: St. Lucie  
OFFICE: Southeast District

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Nitrogen, Sludge, Tot, Dry Wt (as N)	Sample Measurement							
PARM Code 78470 + Mon. Site No. RMP-AA	Permit Requirement	Report (Mo. Avg.)	percent				Monthly	Composite
Phosphorus, Sludge, Tot, Dry Wt (as P)	Sample Measurement							
PARM Code 78478 + Mon. Site No. RMP-AA	Permit Requirement	Report (Mo. Avg.)	percent				Monthly	Composite
Potassium, Sludge, Tot, Dry Wt (as K)	Sample Measurement							
PARM Code 78472 + Mon. Site No. RMP-AA	Permit Requirement	Report (Mo. Avg.)	percent				Monthly	Composite
Arsenic Total, Dry Weight, Sludge	Sample Measurement							
PARM Code 49565 + Mon. Site No. RMP-AA	Permit Requirement			41.0 (Mo. Avg.)	75.0 (Max.)	mg/kg	Monthly	Composite
Cadmium, Sludge, Tot, Dry Weight (as Cd)	Sample Measurement							
PARM Code 78476 + Mon. Site No. RMP-AA	Permit Requirement			39.0 (Mo. Avg.)	85.0 (Max.)	mg/kg	Monthly	Composite
Copper, Sludge, Tot, Dry Wt. (as Cu)	Sample Measurement							
PARM Code 78475 + Mon. Site No. RMP-AA	Permit Requirement			1500.0 (Mo. Avg.)	4300.0 (Max.)	mg/kg	Monthly	Composite

**\*EITHER THE FECAL COLIFORM LIMIT OR SALMONELLA SP. LIMIT MUST BE MET.**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE : March 2018

**DISCHARGE MONITORING REPORT - PART A (Continued)**

FACILITY: Sunbreak Farms

MONITORING GROUP

RMP-AA

PERMIT NUMBER: FLA979830-001-DW1S

NUMBER:

MONITORING PERIOD

From: \_\_\_\_\_

To: \_\_\_\_\_

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Lead, Dry Weight, Sludge	Sample Measurement									
PARM Code 78468 + Mon. Site No. RMP-AA	Permit Requirement				300.0 (Mo. Avg.)	840.0 (Max.)	mg/kg		Monthly	Composite
Mercury, Dry Weight, Sludge	Sample Measurement									
PARM Code 78471 + Mon. Site No. RMP-AA	Permit Requirement				17.0 (Mo. Avg.)	57.0 (Max.)	mg/kg		Monthly	Composite
Molybdenum, Dry Weight, Sludge	Sample Measurement									
PARM Code 78465 + Mon. Site No. RMP-AA	Permit Requirement					75.0 (Max.)	mg/kg		Monthly	Composite
Nickel, Dry Weight, Sludge	Sample Measurement									
PARM Code 78469 + Mon. Site No. RMP-AA	Permit Requirement				420.0 (Mo. Avg.)	420.0 (Max.)	mg/kg		Monthly	Composite
Selenium Sludge Solid	Sample Measurement									
PARM Code 61518 + Mon. Site No. RMP-AA	Permit Requirement				100.0 (Mo. Avg.)	100.0 (Max.)	mg/kg		Monthly	Composite
Zinc, Dry Weight, Sludge	Sample Measurement									
PARM Code 78467 + Mon. Site No. RMP-AA	Permit Requirement				2800.0 (Mo. Avg.)	7500.0 (Max.)	mg/kg		Monthly	Composite
pH	Sample Measurement									
PARM Code 00400 + Mon. Site No. RMP-AA	Permit Requirement					Report (Max.)	s.u.		Monthly	Grab
Solids, Total, Sludge, Percent	Sample Measurement									
PARM Code 61553 + Mon. Site No. RMP-AA	Permit Requirement				Report (Mo. Avg.)	Report (Max.)	percent		Monthly	Composite
Coliform, Fecal	Sample Measurement									
PARM Code 74055 + Mon. Site No. RMP-AA	Permit Requirement		1000.0 (Max.)	MPN/g					Monthly	Grab
Salmonella Sludge	Sample Measurement									
PARM Code 71204 + Mon. Site No. RMP-AA	Permit Requirement		3.0 (Max.)	MPN/4g					Monthly	Grab



**DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A**

**When Completed submit this report to:** Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406-3007

PERMITTEE NAME: Sunbreak Farms  
MAILING ADDRESS: 5101 Minute Maid Rd  
Fort Pierce, Florida 34945-4351

PERMIT NUMBER: FLA979830-001-DW1S

FACILITY: Sunbreak Farms  
LOCATION: 5101 Minute Maid Road  
Fort Pierce, FL 34945-

LIMIT:  
CLASS SIZE:  
MONITORING GROUP NUMBER:  
MONITORING GROUP DESCRIPTION: RMP-Q  
RE-SUBMITTED DMR: ☐  
NO DISCHARGE FROM SITE: ☐  
MONITORING PERIOD From: \_\_\_\_\_ To: \_\_\_\_\_

REPORT FREQUENCY: Monthly  
PROGRAM: Domestic

COUNTY: St. Lucie  
OFFICE: Southeast District

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Biosolids Quantity (Landfilled)	Sample Measurement										
PARM Code B0008 Mon. Site No.	Permit Requirement		Report (Mo. Total)	dry tons						Monthly	Calculated
Biosolids Quantity (Distributed & Marketed in FL)	Sample Measurement										
PARM Code B0004 Mon. Site No.	Permit Requirement		Report (Mo. Total)	dry tons						Monthly	Calculated
Biosolids Quantity (Distributed & Marketed outside FL)	Sample Measurement										
PARM Code B0005 Mon. Site No.	Permit Requirement		Report (Mo. Total)	dry tons						Monthly	Calculated
Biosolids Quantity (Received)	Sample Measurement										
PARM Code B0002 Mon. Site No.	Permit Requirement		Report (Mo. Total)	dry tons						Monthly	Calculated

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

### INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28<sup>th</sup> of the month following the monitoring period. Facilities who submit their DMR(s) electronically through eDMR do not need to submit a hardcopy DMR. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

COD	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

COD	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used, unless indicated otherwise in the permit or on the DMR:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g., < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

#### PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

**Resubmitted DMR:** Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

**No Discharge From Site:** Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

**Monitoring Period:** Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

**Sample Measurement:** Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units. Data qualifier codes are not to be reported on Part A.

**No. Ex.:** Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

**Frequency of Analysis:** The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

**Sample Type:** The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

**Signature:** This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

**Comment and Explanation of Any Violations:** Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

## PART B - DAILY SAMPLE RESULTS

**Monitoring Period:** Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

**Daily Monitoring Results:** Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.

**Plant Staffing:** List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

## PART D - GROUND WATER MONITORING REPORT

**Monitoring Period:** Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

**Date Sample Obtained:** Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

**Time Sample Obtained:** Enter the time the sample was taken.

**Sample Measurement:** Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Data qualifier codes are not to be reported on Part D.

**Detection Limits:** Record the detection limits of the analytical methods used.

**Analysis Method:** Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

**Sampling Equipment Used:** Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

**Samples Filtered:** Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

**Signature:** This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

**Comments and Explanation:** Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

## SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

**Flow (Limited Wet Weather Discharge):** Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).  
**Flow (Upstream):** Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

**Actual Stream Dilution Ratio:** To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

**No. of Days the SDF > Stream Dilution Ratio:** For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (\*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "\*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

**CBOD<sub>5</sub>:** Enter the average CBOD<sub>5</sub> of the reclaimed water discharged during the period shown in duration of discharge.

**TKN:** Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

**Actual Rainfall:** Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

**Rainfall During Average Rainfall Year:** On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

**No. of Days LWWD Activated During Calendar Year:** Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

**Reason for Discharge:** Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

**AMENDMENT TO THE FACT SHEET  
AT  
THE TIME OF NOTICE OF PERMIT ISSUANCE  
FOR  
STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERM**

March 12, 2018

PERMIT NUMBER: FLA979830-001

FACILITY NAME: Sunbreak Farms

FACILITY LOCATION: 5101 Minute Maid Road, Fort Pierce, FL 34945  
St. Lucie County

NAME OF PERMITTEE: Sunbreak Farms, LLC

PERMIT WRITER: Bruce R. Kay

**A. Changes to the Permit Intent to Issue in order: Changes in Bold**

- |    | permit |   |
|----|--------|---|
| #  | page # | Changes   |
| 1. | 1.     | <b>Latitude: 27° 31 ' 28.05" North Longitude: 80° 32' 50.96 West</b>  |
| 2. | 1.     | "A new, Type I Biosolids Management Facility with a permitted Class AA compost production of <b>80,000 dry tons per year</b> . Sunbreak Farms will utilize the Modified Static Aerated Pile (MSAP) method to achieve the required compost treatment of biosolids as approved by EPA." |
| 3. | 1.     | "The MSAP method has been approved as a method modification by EPA Region 9 (July 1, 2003), <b>and its use has also been allowed by EPA Regions 4 and 8</b> as an alternative Process to Further Reduce Pathogens (PFRP)."  |
| 4. | 2.     | "Once each windrow or windrow section is complete Sunbreak Farms staff shall apply a 12-inch layer of bulking agent <b>over the top and sides of the windrow</b> ."   |
| 5. | 2.     | "Vector attraction reduction of Class AA compost will be achieved by maintaining aerobic composting with a temperature greater than <b>104 degrees F</b> (40 degrees C) for 14 days or longer after the Pathogen <b>reduction</b> period of 15 days."                                 |
| 6. | 2.     | "The limitations, monitoring requirements, and other conditions set forth in this cover sheet and Part I through Part IX on pages 1 through <b>15</b> of this permit."  |
| 7. | 3.     | " <b>Class AA Biosolids Compost</b> generated by this facility may be distributed and marketed or disposed of in a Class I solid waste landfill. [62-620.320(6), 62-640.880(1)] "<br>Permit   |

8. 3. "Biosolids quantities shall be monitored for each composting site by the permittee as specified below. **Monitoring** results of all compost sites distributed and marketed that month shall be reported on the permittee's Discharge Monitoring Report for Monitoring Group RMP-Q in accordance with Condition I.A.4."

9. 8. "Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the Permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities. The project calls for a number of pads to be used for the composting operation and the retention basin for stormwater treatment. Each pad and respective retention basin should be certified complete. This may include multiple partial certification. After all the planned basins and retention basins are certified, the Permittee shall indicate this is a final certification. [62-620.410(7)f]"

10. 8. "Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-620, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. This will include partial certifications.. [62-620.410(6) and 62-620.630(7)f]"

#### B. COUNTY COMMENTS AND REPLIES OF COMMENTS RECEIVED BY JUNE 12, 2017

permit	
#	page #
Comment and Response	
<hr/>	
1.	N/A COMMENT: May 23, 2017: ST. LUCIE COUNTY'S REQUEST FOR ENLARGEMENT OF TIME TO FILE PETITION FOR ADMINISTRATIVE HEARING
2.	N/A COMMENT: May 23, 2017 INDIAN RIVER COUNTY ' S REQUEST FOR ENLARGEMENT OF TIME TO FILE PETITION FOR ADMINISTRATIVE HEARING
3.	N/A COMMENT: June 12, 2017 ST. LUCIE COUNTY'S PETITION FOR FORMAL ADMINISTRATIVE HEARING

## C. PUBLIC COMMENTS AND REPLIES

permit		
#	page #	Comment and Response
1.	N/A	<p>COMMENT: 5/16/2017, Mark Murray: With The high ground water in the area and the Class B biosolids to be stored, used, disposed or convert in this site, as well has local commercial agriculture in the area, I am interested in the reasoning for not requiring groundwater monitoring.</p> <p>RESPONSE: 5/22/2017 We only regulate the treatment of the biosolids and the not the use as it is being treated to Class AA. There are little or no liquid being discharged to the ground. During the treatment process, water is added instead of leaching out of the biosolids. During rain events, the rain soaks into the pile to help keep the compost pile damp to allow the aerobic digestion of the biosolids. Without the rain, the piles would have to be wetted to keep the process working. Therefore, little or no contaminated rainwater leaves the piles.</p>
2.	N/A	<p>COMMENT: 5/22/2017 Rolf D. Seichter we saw when the Mayor of PSL, myself, and another professional individual (TYCO Fire Protection) visited the Compost USA bio-solid processing site, which at that time was on record with several violations. Not to mention the other Compost USA facility which was closed because of a Court Order. I saw in the Ocala composting piles syringes for horses, some of them still had "some stuff" in them, empty oil cans, and other liquid garbage cans which would NOT turn into fertilizer. Granted that the metal and plastic would be caught in the tumbler, but the oil and content of syringes would end up in the soil over time, and would be swept through rain water into the waterways. Another important aspect in regard to fire hazard or even explosions: The processing plant, assuming it being in an enclosed building, would have a high content of highly flammable dust because of the necessary turning and mixing of the biosolid material, especially when it dries out later in the process and it is being packed into plastic bags to be shipped to consumers. This dust represents a tremendous fire hazard and explosion hazard, like what you have often happening in grain silos. Therefore, just these two scenarios above make these biosolid processing plants, either "open-air" or enclosed, NOT SUITABLE to being located near any populated area.</p> <p>RESPONSE: 6/1/2017 Our permitting decisions are not based on other facilities compliance. However, during the preapplication discussions with the Sunbreak Farms Staff and Sunbreak's consulting engineers we assisted them to ensure those same problems will not occur. Essentially, the site conditions are not the same at the other facilities. The conditions that caused or had caused operation problems at these other sites are not present at this site. Regarding your concern about syringes (for horses) within Ocala composting piles. The source of these syringes is from horse bedding materials, and the Department along with Department of Agriculture are working on trying to educate the Horse Industry to stop the practice of throwing their wastes into the horse bedding. Any compost operation even if not using biosolids would have to manage this problem. If Sunbreak Farms receives horse bedding materials, they should address the cleanliness of the material used. Regarding your concern of fire hazards due to processing within a building or storage of material in silos or bagging of compost. Sunbreak Farms does not propose processing within a building, silo storage or bagging or shipping product to customers. The compost materials will be incorporated into onsite soils as part of normal farming activities. Dust is not a concern with composting operation as the compost have moisture of around 50 percent. Regarding your concern biosolids processing facility (composting operation) should not be near populated areas. The site is remote and there are no populated areas nearby.</p>

3. N/A COMMENT: Linda Gausten, 6/1/2017: The Sunbreak Farms facility will be receiving tipping fees for the human waste brought into their farming operation. As such, the revenue from the tipping fees would be considered another source of revenue other than the traditional farming revenue. As such, it no longer can be considered just a farming operation. Storm runoff from the composting operations will enter Canal 25 and that constitutes a nuisance since it will pollute our waterways. What is being done to prevent that?

RESPONSE: 6/2/2017: Thank you for your email providing your concerns. My responses are the following:

TIPPING FEE: The Department's decision to permit this facility (under the auspices of the State Laws) is not based on whether tipping fees. The Department is not involved in the financial matters between business parties, nor does the Department have statutory authority to consider this in our permitting decisions.

CANAL 25: The drainage from the compost facilities will discharge to the adjacent fields with no direct discharge to the farmer's drainage system nor to Canal 25.

4. N/A COMMENT: June 2, 2017, Phone Call, Joel Winn suggested the Latitude was incorrect.

RESPONSE: we will change to Latitude, 27 DEG 31 MIN, 28.05 SEC N, Longitude 80 DEG, 32 MIN, 50.96 SEC W.

5. N/A COMMENT: June 7, 2017 – Jeffrey Surniak, Standard Case 00061293  
A permit should not be granted to Sunbreak Farms. This project will dramatically reduce the values of numerous nearby properties.

RESPONSE: We are not aware of conditions that would dramatically reduce the value of numerous nearby properties.

6. N/A COMMENT: June 8, 2017 - Robin Danahower Phone Message – Adamantly opposed to biosolids on farm in St. Lucie County. June 9, 2017 Returned call LM, no return.

RESPONSE: Message left.- There was no information given to show that we did not follow Department's requirements concerning review and making a permit decision. We cannot use unjustified opposition to make permit decisions.

7. N/A COMMENT: June 8, 2017, Phone call from Len Shapiro, to ask questions about biosolids composting process, odor reduction and traffic increase.

RESPONSE: The proposed process should not result in odors that crosses the Permittee's property boundary. The Permittee will be receiving biosolids from source facilities (DEP Permitted Wastewater Treatment Facilities). The source facility is responsible for the hauling of the biosolids and transfers the responsibility to the Biosolids Treatment Facility (BTF) when the BTF Permittee accepts the biosolids. The Permittee has no obligation to accept the biosolids if the biosolids are unsuitable for the process due to condition of the biosolids. Once rejected, the source facility will remain responsible for the biosolids and not the BTF. Once accepted, the BTF should assist the hauler beginning with the unloading operations and will manage thereafter.

8. N/A COMMENT: June 8, 2017, Phone message from Michele Kolandro – against raw sewage to be spread on farm, June 9, 2017 Response: No raw sewage will be spread on the farm. N/A COMMENT: June 9, 2017, St. Lucie County Environmental Manager Phone message, returned LM discussed Farm and controls of public health.

RESPONSE: The project complies with Department's rules and regulations. Therefore, we do not consider issuance of this permit will have an adverse impact on public health.

9. N/A COMMENT: June 9, 2017 Message received from Joe Hale. He would not object to this project if there are no odors.

RESPONSE: The Department rules concerning odors outside the Permittee's property. There are no expectation for odors to travel beyond the Permittee property.

#	permit page #	Comment and Response
10. N/A	<p>COMMENT: June 10, 2017, email from James C Spencer “serious reservations about cost/benefit ratio here”. If Sunbreak Farm sets a precedent here, it will be used by others</p> <p>RESPONSE: The cost/benefit ratio does not apply when the Permit complies with the Department rules and regulations.</p>	
11. N/A	<p>COMMENT: June 10, 2017, email from Marilyn` Nader –“I am opposed to any compost facility near a residential community.”</p> <p>RESPONSE: There are no nearby residential communities.</p>	
12. N/A	<p>COMMENT: June 11, 2017 email from Rolf D. Seichter with “official inputs” and photos. Discusses permit is near copy of another biosolids composting facility’s permit.</p> <p>RESPONSE: Each site is different. The specific site has conditions that make this project permissible.</p>	
13. N/A	<p>COMMENT: June 12, 2017 – Email from Shari Anker, Opposition from Conservation Alliance of St. Lucie County</p> <p>RESPONSE: We can only address details that show the project does not comply with Department rules and regulations. Personnel preferences are not considered in our permitting decisions.</p>	
6/12/2017	<p><b>St. Lucie County’s Petition for Hearing</b>  <b>Once the petition was received, the Department’s Office of General Council (OGC) handles the hearing request and processing. Therefore, we do not provide any discussion concerning the hearing request. We are no longer allowed to receive direct communication about Sunbreak vs St. Lucie County.</b></p>	
2/13/2018	<p><b>The Department closed the file on the hearing after St. Lucie County withdrew their petition. The Department is now able to finalize the application.</b></p>	



**FACT SHEET  
FOR  
STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT**

May 8, 2017

**DRAFT**

PERMIT NUMBER: FLA979830-001

FACILITY NAME: Sunbreak Farms

FACILITY LOCATION: 5101 Minute Maid Road, Fort Pierce, FL 34945  
St. Lucie County

NAME OF PERMITTEE: Sunbreak Farms

PERMIT WRITER: Bruce R. Kay

**1. SUMMARY OF APPLICATION**

**a. Chronology of Application**

Application Number: FLA979830-001-DW1S

Application Submittal Date: March 14, 2017

**b. Type of Facility**

Domestic Wastewater Treatment Plant

Ownership Type: Private

SIC Code: 4952

**c. Facility Capacity**

Existing Permitted Capacity:	N/A
Proposed Increase in Permitted Capacity:	500 Dry Tons per Day
Proposed Total Permitted Capacity:	500 Dry Tons per Day

**d. Description of Wastewater Treatment**

A new, Type I Biosolids Management Facility with a permitted Class AA compost production of 500 dry tons per day. Sunbreak Farms will utilize the Modified Static Aerated Pile (MSAP) method to achieve the required compost treatment of biosolids as approved by EPA. The MSAP method has been approved as a method modification by EPA Region 9 (July 1, 2003), granted an equivalency determination as an alternative PFRP Biosolids will be blended at the facility with bulking agents that primary consist of chipped yard trash debris and other green waste and mixed at a ratio of 3-to-1 (green waste to biosolids). They may include other organic wastes like chicken and other animal wastes mixed with the biosolids. Composting of these other wastes without mixing with biosolids can be under a solid waste compost permit at the option of the Permittee. Mixing is by mechanical means to thoroughly mix the biosolids and bulking agent together. Where possible, the most freshly ground yard trash shall be set aside separately due to its ideal properties for mixing directly into the biosolids (relatively low moisture content and high porosity). Windrows for active composting shall be constructed directly on a compost pad. Prior to placing blended biosolids in the management area a 50:50 blend of ground yard trash and screened compost from screening during post-processing, shall be used to create a 12-inch base layer upon which active composting will be placed. Based on availability of material, this ratio is 100 percent of either material or any other ratio. The blended biosolids will be placed into windrows constructed to dimensions that are approximately 16 feet wide and 8 feet tall. Once each windrow or windrow section is completely formed and mixed, Sunbreak Farms Staff shall apply the Harvest Quest proprietary catalyst to the entire pile surface. When the windrow is completely covered by the catalyst, Sunbreak Farms staff shall apply a 12-inch layer of unscreened finished compost or ground yard trash (in any ratio). The purpose of this capping layer is to serve as an instant biofilter to reduce odors, add in aeration of the compost and insulation of the compost piles to maintain proper temperature. Pathogen reduction standards for Class AA compost will be achieved by maintaining a minimum temperature of

131degrees F (55 degrees C) in each windrow for a minimum period of 15 consecutive days. Within several days, the entire pile will exceed the required 131 degrees F (55 degrees C). Composting of the materials shall continue for 30-45 days with the windrow remaining undisturbed. Vector attraction reduction of Class AA compost will be achieved by maintain aerobic composting with a temperature greater than 40 degrees C for 14 days or longer after the Pathogens period of 15 days. At any time, the piles can be turned if needed for aeration or for moisture control. After turning, the pathogens standards and vector attraction reduction standards may have to be repeated if it had not finished prior to the turning. After complying with both pathogens and vector attraction standards, the pile is considered completed. The Permittee may extend the composting time with additional turning of the piles for better curing. After curing, the product is screened and cooled. Another alternative for vector attraction reduction is for the incorporation of class AA with respect to pathogens within 8 hours of discharge from the compost per EPA 503.33 Z(b)(10)(ii). Once Sunbreak Farms has confirmed the compost product meets all permitted criteria for a Class AA fertilizer it will be distributed and marketed as fertilizer.

Instead of the typical biosolids treatment facility that concentrates the operation in one area, the Applicant plans to spread out the piles within the farm that it owns. A farmer (User of the compost) is under contract with the land owner (the Applicant) to farm the property. The farmer grows corn that will produce silage. The complete removal of the corn including the stalk requires rejuvenating the site after each harvest. Compost is superior product to add organic material to the field (soil amendment) and some of the fertilizer demand. Without the composting, the fields will lose more nutrients to the groundwater and potential discharge off site during heavy rainstorm events. By spreading the sites to each of the forty fields, there is a minimal amount of runoff from the compost operation which is first discharged to a retention ditch downgradient to the compost areas. The composting areas will be constructed with a 2% slope towards an internal v-ditch (inside containment berm). This will promote drainage away from the piles. The v-ditch will be constructed with sufficient storage to retain over 2.4" of runoff from the compost areas. Per FDEP's Evaluation of Stormwater Design Criteria within the State of Florida (Harper, 2007) this captures approximately 90% of annual rainfall events. Perimeter berms shall be formed around the composting areas prior to construction of windrows. The berms will be a minimum of 24" in height and will provide 100% containment of the 100-year, 3-day storm event over a typical compost area. No discharge from the compost areas to either the fields or perimeter ditches will occur. Most of the rainfall is pumped from the stormwater/irrigation ditches to a large irrigation storage pond (640 Acres). The site is within a large farming operation with around 6580 acres. Forty large fields (average slightly over 115 acres each) are surrounded by stormwater/irrigation system (ditches). Between the ditches and the fields are lime rock areas that are used for internal farm road system. On the western side of the fields are major road beds. The road beds of these sides are elevated above the fields. The fields have a slight slope from West to East. Therefore, the stormwater from the compost area will travel long distances from the compost area to the stormwater/irrigation ditches. The ditches are part of the stormwater management system and are not consider surface waters. Only when the ditches are pumped to the area canals, which are jurisdictional, do water quality standards apply. The general area has the rainfall near the amount of evaporation. The farmer plans to minimize discharge from the stormwater/irrigation ditches to the area canals. If wasting the rainwater to area canals would require the farmer to either be short of irrigation water or have to supplement from other sources. This supplemental of other sources of water may not be available when needed. The internal ditches are both used to irrigate the field during crop growing periods and stormwater management during rainfall events. The composting operation will be generally conducted after the crop has been harvested and before planting for the next crop. They plan on two crops per year. When the fields are outside the growing season, the ditches are kept really dry. During the summer raining season, the crops are not growing due to too hot for corn production. During the growing season, the compost operation should be completed or just about completed. The irrigation of the fields is by raising the water level in the stormwater/irrigation ditches. The level can be isolated by working weirs in the ditch system. The level is regulated by either pumping into the storage pond or discharge from the storage pond. A small area (less than 2 acres each) along the highest elevation road beds are being planned for the composting area. There is wide area where the composting operation can occur perpendicular to the elevated roads. The compost areas will be bermed on all four sides. The compost area is higher or at the same elevation as the eastern berm that lies between the compost retention pond and the fields. This location prevents stormwater flowing into the compost area from adjacent properties. And, the drainage from the composting area will prevent wetting of the compost. Flooding the compost is not recommended as it will prevent the compost from reaching Class AA Biosolids Standards, and will be too wet for corn production. The size of each field composting area will be dependent on the availability of the biosolids and will be limited to the requirements of the adjacent fields. The compost product will replace other fertilizer that is faster leaching from the sites. The net effect will be reduction in fertilizer use and reduced discharge of nutrients to the area canals. The complete management of the compost will be contained in the facilities operation and maintenance (O & M) manual that is require prior to startup. Any changes in the operation would require updating of the O & M Manual.

## 2. SUMMARY OF SURFACE WATER DISCHARGE

This facility does not discharge to surface waters. South Florida Water Management District has issued Stormwater Permit 56-00111-S

## 3. DISCUSSION OF CHANGES TO PERMIT LIMITATIONS

The facility is a new BIO-SOLIDS TREATMENT FACILITY

## 5. BIOSOLIDS TREATMENT REQUIREMENTS

Biosolids generated by this facility may be distributed and marketed or disposed of in a Class I solid waste landfill.

See the table below for the rationale for the Class AA biosolids limits and monitoring requirements.

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Nitrogen, Sludge, Tot, Dry Wt (as N)	percent	Max	Report	Monthly Average	62-640.650(3)(a)3. FAC
Phosphorus, Sludge, Tot, Dry Wt (as P)	percent	Max	Report	Monthly Average	62-640.650(3)(a)3. FAC
Potassium, Sludge, Tot, Dry Wt (as K)	percent	Max	Report	Monthly Average	62-640.650(3)(a)3. FAC
Arsenic Total, Dry Weight, Sludge	mg/kg	Max	75.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Arsenic Total, Dry Weight, Sludge	mg/kg	Max	41.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Cadmium, Sludge, Tot, Dry Weight (as Cd)	mg/kg	Max	85.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Cadmium, Sludge, Tot, Dry Weight (as Cd)	mg/kg	Max	39.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Copper, Sludge, Tot, Dry Wt. (as Cu)	mg/kg	Max	4300.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Copper, Sludge, Tot, Dry Wt. (as Cu)	mg/kg	Max	1500.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Lead, Dry Weight, Sludge	mg/kg	Max	840.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Lead, Dry Weight, Sludge	mg/kg	Max	300.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Mercury, Dry Weight, Sludge	mg/kg	Max	57.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Mercury, Dry Weight, Sludge	mg/kg	Max	17.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Molybdenum, Dry Weight, Sludge	mg/kg	Max	75.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Nickel, Dry Weight, Sludge	mg/kg	Max	420.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Nickel, Dry Weight, Sludge	mg/kg	Max	420.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Selenium Sludge Solid	mg/kg	Max	100.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Selenium Sludge Solid	mg/kg	Max	100.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
Zinc, Dry Weight, Sludge	mg/kg	Max	7500.0	Single Sample	62-640.700(5)(a) & 650(3)(a)3. FAC
Zinc, Dry Weight, Sludge	mg/kg	Max	2800.0	Monthly Average	62-640.700(5)(b) & 650(3)(a)3. FAC
pH	s.u.	Max	Report	Single Sample	62-640.650(3)(a)3. FAC
Solids, Total, Sludge, Percent	percent	Max	Report	Single Sample	62-640.650(3)(a)3. FAC
Solids, Total, Sludge, Percent	percent	Max	Report	Monthly Average	62-640.650(3)(a)3. FAC
Coliform, Fecal	MPN/g	Max	1000.0	Single Sample	62-640.600(1)(a) FAC
Salmonella Sludge	MPN/4g	Max	3.0	Single Sample	62-640.600(1)(a) FAC
Monitoring Frequency	All Parameters				62-640.650(3)(a)4. & .850(4)(c) FAC
Pathogen and vector attraction reduction monitoring	All Parameters				62-640.600 & 650(3)(a)1. FAC

See the table below for the rationale for the biosolids quantities monitoring requirements.

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Biosolids Quantity (Landfilled)	dry tons	Max	Report	Monthly Total	62-640.650(5)(a)1. FAC
Biosolids Quantity (Distributed & Marketed outside FL)	dry tons	Max	Report	Monthly Total	62-640.650(5)(a)1. & 850(4)(a) FAC
Biosolids Quantity (Distributed & Marketed in FL)	dry tons	Max	Report	Monthly Total	62-640.650(5)(a)1. & 850(4)(a) FAC
Biosolids Quantity (Receive)	dry tons	Max	Report	Monthly Total	62-640.650(5)(a)1. & 850(4)(a) FAC
Monitoring Frequency	All Parameters				62-640.650(5)(a) FAC

#### 6. GROUND WATER MONITORING REQUIREMENTS

This section is not applicable to this facility.

#### 7. PERMIT SCHEDULES

a. The following self-improvement actions (the following schedule is not a compliance schedule) are planned by the Permittee according to the following schedule:

Improvement Action	Completion Date
1. Completion of construction of composting facility	July 1, 2020

b. Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the Permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities. [62-620.410(7)]

c. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-620, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. [62-620.410(6) and 62-620.630(7)]

#### 9. ADMINISTRATIVE ORDERS (AO) AND CONSENT ORDERS (CO)

This permit is not accompanied by an AO and has not entered into a CO with the Department.

#### 10. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

No variances were requested for this facility.

#### 11. THE ADMINISTRATIVE RECORD

The administrative record including application, draft permit, fact sheet, public notice (after release), comments received and additional information is available for public inspection during normal business hours at the location specified in item 13. Copies will be provided at a minimal charge per page.

#### 12. PROPOSED SCHEDULE FOR PERMIT ISSUANCE

Notice of Intent to Issue	May 8, 2017
Publication	May 15, 2017

13. DEP CONTACT

Additional information concerning the permit and proposed schedule for permit issuance may be obtained during normal business hours from:

Bruce Kay  
Engineer II  
Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406-3007  
Telephone No.: (561) 681-6695

## Exhibit "B"



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 24, 2019

Patrick Cheney  
5101 Minute Maid Road  
Ft. Pierce, FL 34945

Subject: Notice of Proposed Agency Action to Deny  
Environmental Resource Permit Application No.: 180613-16  
Project Name: Sunbreak Farms  
St. Lucie County

Dear Mr. Cheney:

On September 14, 2018 and January 11, 2019, the South Florida Water Management District ("District") sent you Requests for Additional Information (RAIs) requiring either the submittal of a monitoring plan or an alternative to demonstrate that the proposed pollution abatement practices function properly and meet the objectives of Section 4.9.3, Vol. II of the Applicant's Handbook. The District received a letter from your counsel on April 4, 2019, advising that no monitoring plan or other alternative will be provided and requesting that the District determine the application complete.

Attached is the District's Proposed Agency Action to deny the application, without prejudice to your right to reapply later. Absent further action by you, this denial will be final June 3, 2019.

Alternatively, you may withdraw your application prior to final agency action. If you choose to withdraw your application, the District will apply the submitted processing fee for this application to a new application filed within 365 days, as specified in Rule 5.5.3.7, Environmental Resource Applicant's Handbook Vol. I.

If you wish to refer the application and Proposed Agency Action to the Governing Board for final agency action, a written request must be received on or before May 31, 2019. The application and Proposed Agency Action will then be considered at the June Governing Board meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill S. Creech".

Jill S. Creech, P.E.  
Division Director, Regulation

Enclosures: Proposed Agency Action/Staff Report  
Notice of Rights

C: David Baggett, P.E., Engineering Design & Construction, Inc. (via Email)  
Kim Graham, P.E., St. Lucie County Public Works (via Email)  
David Dee, Esq., Gardner, Bist, Bowden, Bush, Dee, Lavia & Wright, P.A. (via Email)  
Dylan Reingold, Esq., Indian River County (via Email)  
State Rep. Larry Lee, Jr. (via Email)  
Cammie Dewey, P.E., St. John's River Water Management District (via Email)  
Virginia P. Sherlock on behalf of PGA Village Property Owners Association, Inc. (via Email)  
Dennis Corrick, Esq. (via Email)

## **NOTICE OF RIGHTS**

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.



- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

### **INITIATION OF AN ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.

**DRAFT**

**Last Date For Agency Action:** June 3, 2019

**INDIVIDUAL ENVIRONMENTAL RESOURCE DENIAL STAFF REPORT**

**Project Name:** Sunbreak Farms

**Permit No.:** 56-00111-S

**Application No.:** 180613-16

**Application Type:** Environmental Resource (Construction/Operation Modification)

**Location:** St Lucie County, S28, 33, 34/T33S/R38E  
S3,4,5,8,9,10,15,16,17,20,21,29/T34S/R38E

**Applicant :** Sunbreak Farms L L C

**Project Area:** 80.75 acres

**Project Land Use:** Agricultural

**Drainage Basin:** C-25

**Receiving Body:** C-25

**Class:** CLASS III

**Special Drainage District:** NA

**Conservation Easement To District :** No

**Sovereign Submerged Lands:** No

**DRAFT****PROJECT SUMMARY:**

This Environmental Resource Permit application requests Construction and Operation of a stormwater management (SWM) system to serve an 80.75 acre composting operation for a project known as Sunbreak Farms.

The proposed SWM system includes the construction of containment cells that will be used for on-site composting of aerobically digested and dewatered residuals with yard debris to produce Class AA compost pursuant to Florida Department of Environmental Protection Permit No. FLA979830. The Class AA compost material will be used onsite as a soil amendment and fertilizer for the existing agricultural production of row crops pursuant to Chapter 62-640 F.A.C. Please refer to the composting cell construction plans Exhibit 2.0 for details.

The applicant has not provided reasonable assurances that the project will not result in adverse impacts to water resources. The applicant did not provide the requested water quality monitoring plan and reporting schedule designed to provide data to determine if the pollution abatement practices incorporated into the design of the stormwater management system will function properly as required by Section 4.9.3, Volume II of the Applicant's Handbook.

Staff is recommending denial of the application pursuant to the conditions of issuance Chapter 62-330.301 F.A.C. Specifically, the applicant has not demonstrated that construction, operation and maintenance of the project:

(e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated.

**DRAFT****PROJECT EVALUATION:****PROJECT SITE DESCRIPTION:**

Refer to Exhibit 1.0 for a Location Map. The project is approximately 2.25 miles west of Interstate 95, north of the Florida Turnpike in St. Lucie County.

The site consists of existing row crops located within an agricultural project previously known as Cloud Grove. The majority of the property is located in St. Lucie County with the northern portion in Indian River County. The property includes a 640 acre above ground impoundment (AGI) used for storage of storm water for irrigation and flood protection. The AGI outfalls into an adjacent ditch that discharges to the C-25 Canal pursuant to Permit No. 56-00111-S. The SWM system also has the ability to discharge stormwater to the Minute Maid Canal, which discharges to the C-25 Canal.

**BACKGROUND:**

On October 19, 1978, the District authorized the operation (Application Nos. 21917, 21918, 21921) of an above ground impoundment for irrigation and flood protection of a 6,560 acre agricultural project known as Cloud Grove.

On June 29, 2006, the District authorized a permit transfer (Application No. 060127-19) to Florida Conservancy and Development Group LLC.

**WATER QUANTITY :**

The proposed operation of the SWM system associated with the composting containment cells includes a protocol to maintain the water table 1 foot below the lowest grade of the containment cells during composting.

**Discharge Rate :**

The project is located within the C-25 Basin which has a 10 year, 3 day design storm. The previously permitted design storm discharge rate remains unchanged.

The composting containment cells will retain 11.0 inches of rainfall within the cells associated with the 100 year, 3 day design storm event. Thus, the existing SWM system and 640-acre above ground impoundment will not receive storm water runoff from the composting area associated with 10 year, 3 day C-25 Basin design storm event.

The applicant provided an annual storm water runoff analysis which indicates the annual volume of storm water runoff will be reduced. The proposed project is intended to result in less annual storm water runoff volume and a reduction in the peak rate of storm water runoff from design storm event resulting in less discharge from the SWM system.

**DRAFT****WATER QUALITY :**

The applicant has provided the following:

- 1) The proposed project area will retain 11.0 inches (74 ac-ft) of storm water runoff from the 80.75 acre composting containment cells associated with the 100 year, 3 day design storm event.
- 2) The applicant provided a water quality analysis based on the proposed agronomic practices.

The applicant has not provided the requested water quality monitoring plan and reporting schedule designed to provide data to determine if the pollution abatement practices incorporated into the design of the SWM system will function properly. Section 4.9.3, Volume II of the Applicant's Handbook provides for requiring water quality monitoring for two reasons: 1) such data can be used to determine if the pollution abatement practices incorporated into the design for SWM system are functioning properly, 2) In some cases there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the apparent pollutant removal efficiency of the SWM system.

The intent of the water quality monitoring plan and reporting schedule is to develop sets of data that can be analyzed to determine if pollution abatement practices are functioning properly after the implementation of the biosolids composting activity at Sunbreak Farms. The water quality monitoring plan and reporting schedule should include, at a minimum: an explanation of how the proposed program will achieve valid measurements of flow, bacteria, nitrogen, phosphorus, and dissolved oxygen concentration; description of monitoring sites which should include on-site and off-site locations; sample collection methods, technique, preservation, identification and schedules; description of laboratory facilities, analyses, reporting delivery and data review; and other items as necessary to determine if the pollution abatement practices incorporated into the design are functioning properly and will prevent water quality degradation. The plan and schedule should be implemented at least six (6) months prior to the deliveries of biosolids to the site. The proposed plan should also include the recordation of pumped discharges (times, rates, and durations) from all stormwater discharge facilities located on the farm site. A time period for the monitoring and reporting should be defined within the plan, to be no less than five years. The plan and schedule must be submitted to the District for review and approval, prior to implementation.

**WETLANDS:****Wetlands And Other Surface Waters:**

There are no wetlands or other surface waters located within the project area or affected by this project.

**DRAFT**

**RELATED CONCERNS:**

**Third Party Interest:**

The following third parties have contacted the District with concerns about this application:

St. Lucie County  
Indian River County  
St. Johns River Water Management District  
State Representative Larry Lee, Jr.  
David Dee, Esq.  
PGA Village Property Owners Association, Virginia Sherlock Esq.

District staff have coordinated several meetings with the applicant and the third parties to address questions and concerns.

**Enforcement:**

There has been no enforcement activity associated with this application.

**DRAFT****STAFF RECOMMENDATION TO EXECUTIVE DIRECTOR:**

The Staff recommends the following:

Denial of the application for Construction and Operation of a stormwater management system serving an 80.75 acre composting operation for a project known as Sunbreak Farms.

**STAFF REVIEW:****NATURAL RESOURCE MANAGEMENT APPROVAL****ENVIRONMENTAL EVALUATION****SUPERVISOR**

\_\_\_\_\_  
Jessica Huffman

\_\_\_\_\_  
Barbara J. Conmy

**SURFACE WATER MANAGEMENT APPROVAL****ENGINEERING EVALUATION****SUPERVISOR**

\_\_\_\_\_  
Glen J. Gareau, P.E.

\_\_\_\_\_  
Gary Priest, P.E.

**ENVIRONMENTAL RESOURCE COMPLIANCE BUREAU CHIEF :**

\_\_\_\_\_  
Ricardo A. Valera, P.E.

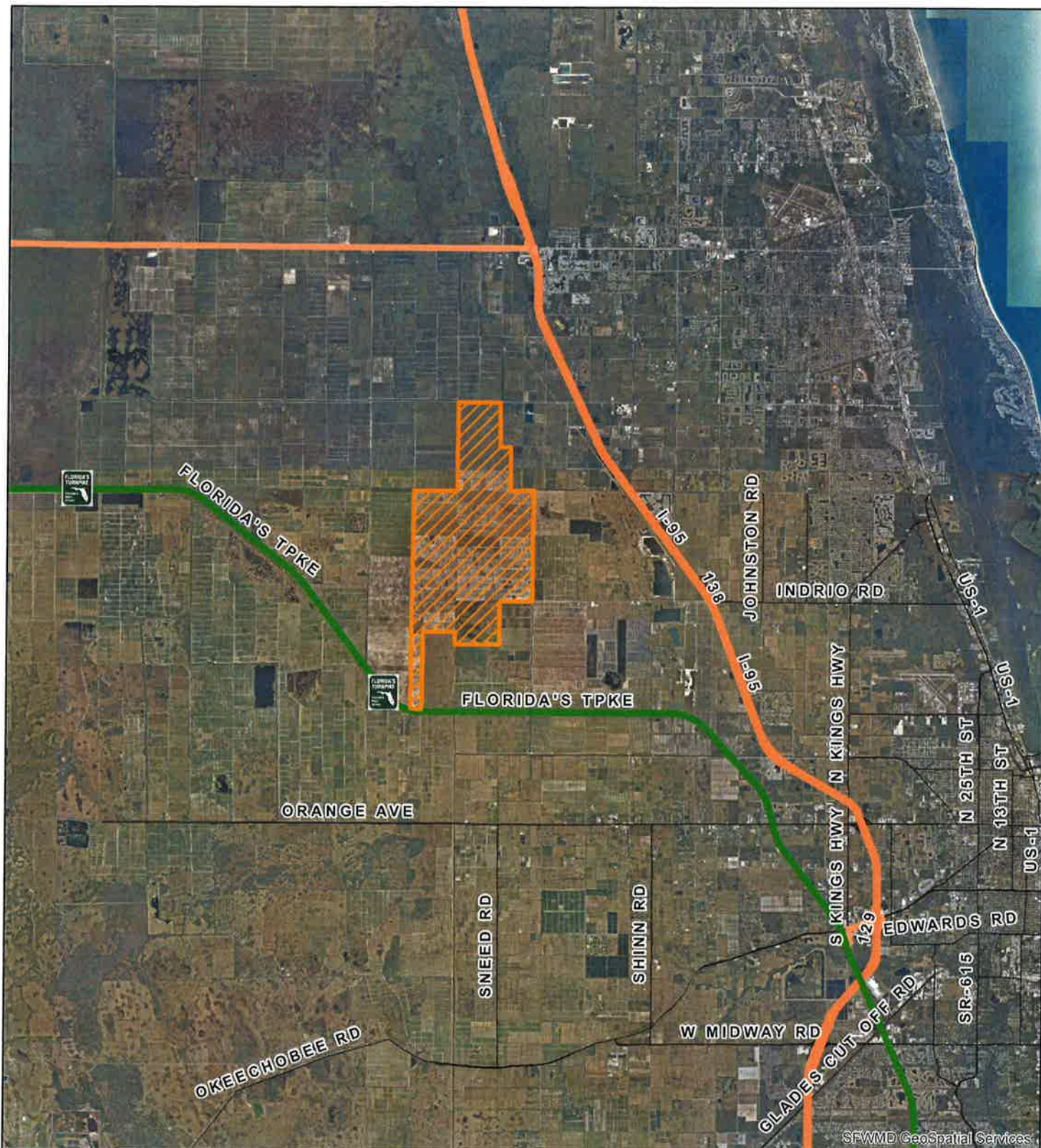
**DATE:** \_\_\_\_\_





**REGULATION DIVISION ASSISTANT DIRECTOR :**

\_\_\_\_\_  
Anthony M. Waterhouse, P.E.

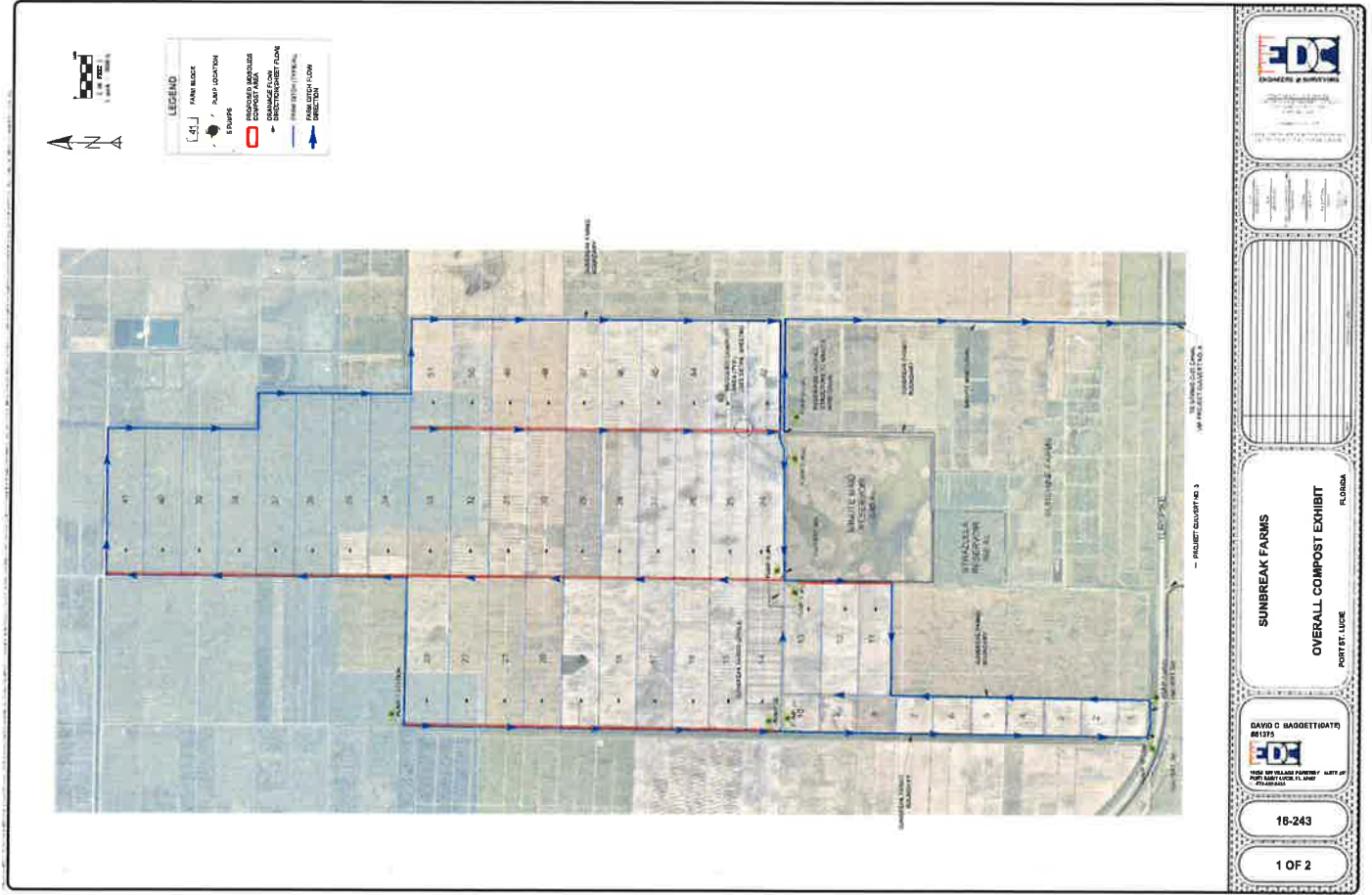
**DATE:** \_\_\_\_\_

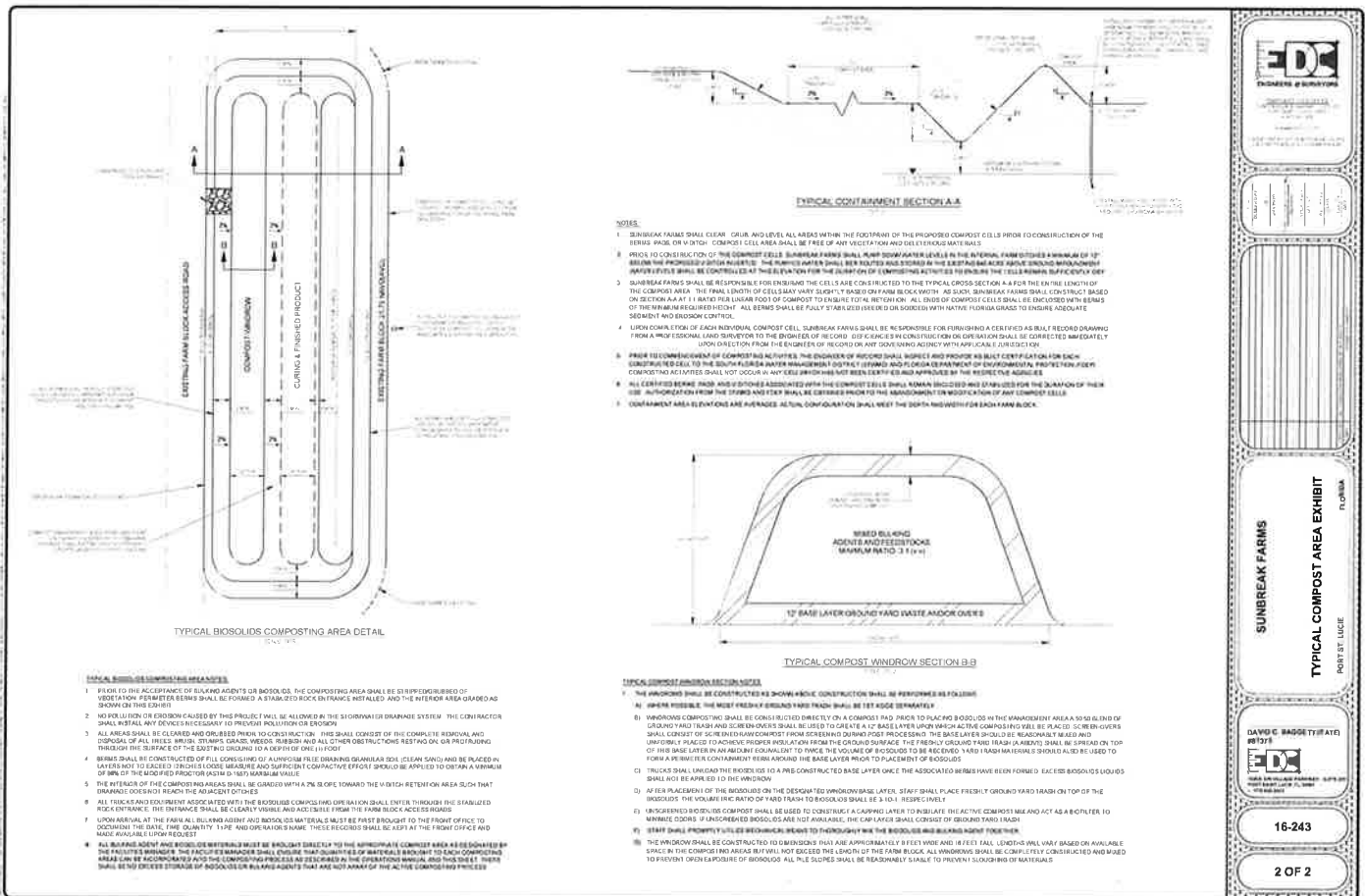




<b>Exhibit No: 1</b>	Exhibit Created On: 2018-07-17	ST. LUCIE COUNTY, FL	<div data-bbox="974 1690 1234 1743">  Application         </div> <div data-bbox="974 1753 1250 1795">         Permit No: 56-00111-S       </div> <div data-bbox="974 1806 1364 1858">         Application Number: 180613-16       </div> <div data-bbox="1364 1665 1536 1869">  </div>
<div data-bbox="113 1827 308 1953">  </div> <div data-bbox="324 1743 941 1848"> <p align="center"><b>REGULATION DIVISION</b></p> <p align="center">Project Name: SUNBREAK FARMS</p> </div> <div data-bbox="324 1890 941 1986"> <div data-bbox="324 1890 730 1986"> <p>0      2.5      5</p> <p>_____ Miles</p> </div> <div data-bbox="828 1848 893 1974"> <p align="center">N</p>  </div> </div>			







DATE	08/17/18	
PROJECT	180613-16	
LOCATION	POINT ST. LUCIE	
SCALE	AS SHOWN	
REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/17/18
2	ISSUED FOR CONSTRUCTION	08/17/18
3	ISSUED FOR AS-BUILT	08/17/18

SUNBREAK FARMS

TYPICAL COMPOST AREA EXHIBIT

POINT ST. LUCIE, FLORIDA



16-243

2 OF 2

## STAFF REPORT DISTRIBUTION LIST

### SUNBREAK FARMS

**Application No:** 180613-16

**Permit No:** 56-00111-S

### INTERNAL DISTRIBUTION

- X Glen J. Gareau, P.E.
- X Jessica Huffman
- X Gary Priest, P.E.
- X Barbara J. Conmy
- X Tony Waterhouse, P.E.
- X Randy Smith
- X Susan Martin
- X Ansley Marr
- X Jill Creech, P.E.

### EXTERNAL DISTRIBUTION

- X Permittee - Sunbreak Farms L L C
- X Engr Consultant - Engineering Design & Construction Inc
- X Other Interested Party - Gardner, Bist, Bowden, Bush, Dee, Lavia & Wright, P.A.
- X Other Interested Party - Indian River County
- X Other Interested Party - Pga Village Poa Inc.
- X Other Interested Party - State Rep.

### GOVERNMENT AGENCIES

- X City of Port St Lucie - Planning Div
- X City of Port St Lucie - Public Works
- X St. Lucie County Engineer
- X St. Lucie County Planning and Development Services
- X US Army Corps of Engineers Permit Section

## Exhibit "C"

### OPERATING AGREEMENT CONCERNING REGULATION UNDER PART IV, CHAPTER 373, F.S.,

BETWEEN  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
AND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### I. INTENT

The South Florida Water Management District (DISTRICT) and the State of Florida Department of Environmental Protection (DEPARTMENT) enter into this operating agreement to further streamline environmental permitting, while protecting the environment. This agreement divides responsibility between the DISTRICT and the DEPARTMENT for the exercise of their authority regarding permits, compliance, and enforcement under Part IV, Chapter 373, F.S. This agreement also divides responsibility between the DISTRICT and DEPARTMENT regarding formal wetland determinations pursuant to Subsection 373.421(2) through (5), F.S. It is a goal of this agreement that the division of responsibilities provide no reduction in levels of compliance monitoring and enforcement and, where possible, allow increased levels of compliance monitoring and enforcement.

This agreement supersedes the following agreements: Operating Agreement concerning Management and Storage of Surface Waters Regulation, and Wetland Resource Regulation between South Florida Water Management District and Department of Environmental Regulation, dated October 27, 1992; and First Amendment to October 27, 1992 Operating Agreement concerning Management and Storage of Surface Waters Regulation, and Wetland Resource Regulation between South Florida Water Management District and Department of Environmental Regulation, dated January 18, 1994 and Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection dated August 11, 1994; and Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits under Section 403.814, F.S., between South Florida Water Management District and Department of Environmental Protection dated October 27, 1998 and incorporated by reference into the Basis of Review for Environmental Resource Permits in December 1998.

As a future step to further increase the efficiency and effectiveness of environmental permitting, the DEPARTMENT and the DISTRICT shall jointly pursue further integration and streamlining of federal and state wetlands regulations.

#### II. RESPONSIBILITIES OF DISTRICT AND DEPARTMENT

## A. DEPARTMENT Responsibilities

### 1. Permits and Variances

The DEPARTMENT shall review and take final action on all applications for permits and petitions for variances, under Part IV, Chapter 373, F.S., and variances or waivers under Section 120.542, F.S., for the project types listed in a. through t. below. The permit applications encompassed within the DEPARTMENT's responsibilities hereunder include those submitted for wetland resource (dredge and fill) permits and management and storage of surface water (MSSW) permits, pursuant to Subsection 373.414(11) through (16), F.S., as well as those submitted for environmental resource permits.

a. All solid waste management facilities that require a permit under Chapter 403, F.S. However, the DISTRICT shall review and take final action on permit applications when the solid waste management facility qualifies for a solid waste general permit and is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1 of this agreement.

b. Hazardous waste facilities that require a permit under Chapter 403, F.S. However, the DISTRICT shall review and take final action on permit applications when the storage of hazardous waste is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this agreement.

c. Domestic or industrial wastewater treatment, storage, transmission, effluent disposal, or water reuse facilities that require a permit under Chapter 403, F.S., This includes: all facilities and activities located at the domestic or industrial wastewater treatment facility; all reuse sites permitted under Parts II or IV of Chapter 62-610, F.A.C.; land application sites permitted under Part VI of Chapter 62-610, F.A.C.; and wetlands created using reclaimed water (from domestic wastewater or industrial wastewater sources). However, the DISTRICT shall review and take final action on permit applications for:

(1) Water reuse sites permitted under Part III of Chapter 62-610, F.A.C.; such as facilities for the storage and application of reclaimed water to irrigate crops, golf courses, or other landscapes;

(2) Activities involving the application of reclaimed water to rehydrate wetlands or to provide artificial recharge to reduce or mitigate drawdown impacts due to well withdrawals;

(3) Those facilities that are subject to any of the requirements of Chapters 40E-4, 40E-40, 40E-41, F.A.C., through a system or activity which is not fully contained on the domestic or industrial wastewater facility site, but which is part of a larger project

for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this agreement;

(4) Those facilities that qualify for a general or generic permit pursuant to Rules 62-660.801, F.A.C. (General Permit for a Wastewater Disposal System for a Laundromat, 62-660.802, F.A.C. (General Permit for a Pesticide Waste Degradation Systems), 62-660.803, F.A.C. (General Permit for Car Wash Systems), 62-660.805, F.A.C. (General Permit for Disposal of Tomato Wash, or 62-621.300(2), F.A.C. (Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity);

(5) Those facilities in which the industrial wastewater component is merely an HVAC (heating, ventilation, and air conditioning) cooling tower discharge, or other industrial wastewater treatment facility which is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this agreement.

d. Potable water facilities that require a permit under Chapter 403, F.S. This includes drinking water treatment plants as well as distribution mains. However, the DISTRICT shall review and take final action on permit applications for distribution lines that are fully contained within systems for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this agreement;

e. All mines, as defined in Chapter 378, F.S. However, the DISTRICT shall review and take final action on permit applications for sand, shell, and clay (other than fuller's earth) mines that do not involve processing other than use of a scalping screen to remove large rocks, wood, and debris;

f. Power plants and electrical distribution and transmission lines and other facilities related to the production, transmission and distribution of electricity. However, the DISTRICT shall review and take final action on electrical distribution lines fully contained within any larger plan of development for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1 of this agreement;

g. Communication cables and lines. However, the DISTRICT shall review and take final action on communication cables and lines fully contained within any larger plan of development for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this agreement;

h. Natural gas or petroleum exploration, production, and distribution activities and facilities, product pipelines, and other facilities related to the exploration, production, and distribution of natural gas and petroleum. However, the DISTRICT shall review and take final action on natural gas distribution lines fully contained within any larger plan of development for which the DEPARTMENT does not review and take final

action on permit applications under any other paragraph in Section II.A.1. of this agreement;

i. Docking facilities, boardwalks, shore protection structures and piers, including the adjacent docking and boating related development and navigational dredging. Adjacent docking and boating related development includes parking areas for the docking facility, dry storage facilities, boat sale and supply facilities, maintenance and repair facilities, associated seafood loading and processing facilities, restaurants, harbor master and marina administration facilities. Residential development and other commercial development are not considered docking or boating related. The DISTRICT shall review and take final action on permit applications for all docking facilities, boardwalks, shore protection structures and piers, including adjacent docking and boating related development and navigational dredging, whenever such facilities are part of a larger plan of other commercial or residential development that has received or requires a permit under Part IV of Chapter 373, F.S. The DISTRICT shall also review and take final action on all docking facilities, boardwalks, shore protection structures and piers, including adjacent docking and boating related development and navigational dredging, that are associated with a no-notice general permit under section 40E-400.315, F.A.C. The DISTRICT shall also review and take final action on permit applications for any docking facility, boardwalk, shore protection structure, or pier serving a dwelling unit which is the responsibility of the DISTRICT to review under paragraph n. ;

j. Systems proposed in whole or in part seaward of point 50 feet above the mean high water line at any riparian coastal location fronting the Gulf of Mexico shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like. In Monroe, Martin and Collier Counties, where a CCCL has not been established, systems along sandy, non-vegetated shorelines proposed in whole or in part seaward of a point 50 feet above the mean high water line at any riparian coastal location fronting the Gulf of Mexico or Atlantic coast shoreline of the state, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like;

k. Projects constructed, operated or maintained by the DISTRICT; however, activities of the DISTRICT permitted under Sections 403.91 through 403-929, F.S., or the rules adopted pursuant to those statutes, and activities of the DISTRICT which did not require a permit under such statutes or rules, shall not require a permit under Part IV of Chapter 373, F.S., provided such activities are part of a project which was commenced prior to October 3, 1995. However, the District shall review and take final action on applications pertaining to restoration or enhancement activities conducted on District owned land when the activities are proposed by and will be implemented by a party other than the District as site-specific mitigation for all or part of that party's permit application, notwithstanding that operation and maintenance of the completed activity will be the responsibility of the District;

l. Navigational dredging conducted by governmental entities except where associated with a larger project that is otherwise the responsibility of the DISTRICT for

review and final action, and all activities conducted by the U.S. Army Corps of Engineers;

m. Seaports and adjacent seaport related development where the applicant or property owner is a port authority as defined in Subsection 315.02(2), F.S.;

n. A system serving or consisting of up to three contiguous parcels of land under single ownership, where each parcel contains or is proposed to contain only one single family dwelling unit, duplex, triplex, or quadruplex (hereinafter referred to as a dwelling unit), except where the dwelling unit is only an incidental part of a parcel that is otherwise used for agricultural activities for which a permit has been issued or is required under Part IV, Chapter 373, F.S.

o. The following systems in wetlands or other surface waters when they are not part of a larger plan of development for which the DISTRICT reviews and takes final agency action under any other paragraph of this agreement: boat ramps, ski jumps, ski slalom courses, aids to navigation, mooring buoys and fields, piling supported structures which are not physically connected to uplands, aquatic plant management activities regulated under Chapter 369, F.S., fish, attractors, artificial reefs, treasure salvage, archeological research or exploration, and removal of organic detrital material;

p. Temporary systems proposed for commercial film productions;

q. High speed rail facilities under Sections 341.8201 - through 341.842, F.S.;

r. Aquaculture activities not exempt pursuant to Subsection 373.406(8), F.S.;

and

s. All activities on sovereignty submerged lands leased by the Division of Recreation and Parks, except those proposed by the DEPARTMENT.

## 2. Formal Determinations

The DEPARTMENT shall review and take final action on petitions for formal determinations of the extent of wetlands and other surface waters pursuant to Section 373.421, F.S., filed by entities regarding properties on which they propose to undertake activities for which the DEPARTMENT would have permitting responsibility under this agreement.

The DEPARTMENT shall provide the DISTRICT with copies of formal determinations of the extent of wetlands or other surface waters issued by the DEPARTMENT.

## 3. Mitigation Banks and Regional Offsite Mitigation Area Agreements (ROMA)



The DEPARTMENT shall review and take final action on all permit applications for mitigation banks and ROMA agreement proposals, under Sections 373.4135 and 373.4136, F.S., filed by one of the following:

- a. Entities proposing to use DISTRICT-owned lands;
- b. Governmental entities, excluding the DEPARTMENT, solely to offset impacts of single-family dwelling units, pursuant to Subsection 373.4135(6), F.S., for which the DEPARTMENT reviews and takes final action under Section II.A.1. of this agreement; and
- c. The DISTRICT.

#### B. DISTRICT Responsibilities

1. The DISTRICT shall review and take final action on all applications for permits, petitions for variances, and petitions for formal determination under Part IV, Chapter 373, F.S., variances and waivers under Section 120.542, F.S., except for those identified as the DEPARTMENT's responsibility under this agreement, and except as provided in Section II.E of this agreement. The permit applications encompassed within the DISTRICT's responsibility hereunder include those submitted for wetland resource permits and MSSW permits under Subsection 373.414(11) through (16), F.S., as well as those submitted for environmental resource permits.
2. The DISTRICT shall review and take action on projects constructed, operated or maintained by the DEPARTMENT. However, activities of the DEPARTMENT permitted under Section 403.91-403.929, F.S., or the rules adopted pursuant to those statutes, and activities of the DEPARTMENT which did not require a permit under such statutes or rules, shall not require a permit under Part IV of Chapter 373, F.S., provided such activities are part of a project which was commenced prior to October 3, 1995.
3. The DISTRICT shall provide the DEPARTMENT with copies of formal determinations of the extent of wetlands or other surface waters issued by the DISTRICT.

#### C. Incorrectly Submitted Applications And Petitions; Modifications

1. Permit applications, petitions for variances or waivers, and petitions for formal determinations submitted to the incorrect agency pursuant to the terms of this agreement shall be forwarded to the correct agency for further processing within 10 days of receipt, except where the agencies mutually agree that the application may be retained by the incorrect agency, in which case a special case agreement shall be executed in accordance with Section II.D of this agreement. A refund of any fee submitted to the incorrect agency that does not retain processing of the application shall be made to the applicant. Prior to transferring the application, the incorrect receiving

agency shall coordinate with the proper reviewing agency and the applicant in order to inform all parties that the application has been submitted incorrectly and is being forwarded.

2. Notwithstanding section II.A. and II.B. of this agreement, permit modification requests shall be processed by the agency issuing the original permit. If the permit has been modified, the agency that issued the last modification to the permit shall process the modification. However, the following exceptions apply:

a. The DEPARTMENT shall process all modifications to permits for the following activities:

(1) Solid waste management facilities as described in Section II.A.1.a.;

(2) Mining projects as described in Section II.A.1.d, when the modification involves the addition of new lands to the permit or the expansion of mining activities into areas not previously approved for mining; and

(3) Seaports and seaport related development as described in Section II.A.1.n.

b. Alterations to stormwater systems previously authorized under Rules 17-25.040 or 62-25.040, F.A.C., shall not be considered as modifications under the provisions of this section, and shall be processed by the agency that would have responsibility for reviewing and taking final agency action on the system under Sections II.A. and B. of this agreement.

#### D. Special Cases

By written agreement between the DISTRICT and the DEPARTMENT, responsibilities may deviate from the responsibilities outlined in II.A., B., or C. above. Instances where this may occur include the following:

1. An extensive regulatory history or a proprietary interest by either the DISTRICT or the DEPARTMENT with a particular project that would make a deviation result in more efficient and effective regulation. This may include activities on lands with a conservation easement held by the other agency;

2. Simplification of the regulation of a project that crosses water management district boundaries;

3. The incorrect agency has begun processing an application or petition and transfer of the application or petition would be inefficient; or

4. Circumstances in which a deviation would result in the application or petition being more efficiently or effectively processed.

The Governing Board may delegate authority to staff to execute special case agreements.

### III. DELEGATION OF AUTHORITY: MIXING ZONES, ZONES OF DISCHARGE, VARIANCES

A. The DEPARTMENT delegates authority to the DISTRICT to review and take final action on requests for zones of mixing in surface waters and zones of discharge in groundwater, in accordance with Sections 62-4.242, 62-4.244, 62-28.700, 62-522.400 and 62-522.410, F.A.C., when the requests are associated with a permit application for which the DISTRICT is responsible under the terms of this agreement.

B. The DEPARTMENT delegates the authority to the DISTRICT to take action on petitions for variances or waivers from state water quality standards in accordance with Sections 120.542 and 403.201, F.S., and Section 40C-1.1002 F.A.C., when the petition is associated with a permit application for which the DISTRICT is responsible under the terms of this agreement.

### IV. COMPLIANCE MONITORING AND ENFORCEMENT

#### A. Division of Responsibilities

Each agency shall perform compliance monitoring on all projects for which that agency has issued a permit, consent order, final order, or for which a consent final judgment or final judgment has been entered to determine compliance with the conditions thereof and will enforce said conditions by taking appropriate enforcement action where necessary. However, if the DEPARTMENT or the DISTRICT modifies a permit previously issued by the other agency, pursuant to this agreement, the agency modifying the permit shall thereafter determine compliance with the permit and enforce all provisions or conditions of that permit.

Each agency shall investigate activities regulated under Part IV of Chapter 373, F.S. which are undertaken without the required permits, and take appropriate enforcement action, when it has permitting responsibilities for those activities under this agreement.

When a violation of Part IV of Chapter 373, F.S., also constitutes a violation of Chapters 253 or 258, F.S., and the resolution under Part IV of Chapter 373, F.S., does not resolve the violation under Chapters 253 or 258, F.S., the District shall coordinate compliance and enforcement actions with the DEPARTMENT, and shall forward a copy of the enforcement documentation generated on those violations to the DEPARTMENT for its use in addressing the violation under Chapters 253 or 258, F.S.

## B. Special Cases

By written agreement between the DISTRICT and the DEPARTMENT, enforcement responsibilities for specific cases may deviate from the responsibilities outlined in Section IV.A. Instances where this may occur include:

1. The case also includes activities which may be violations of rules of the DEPARTMENT or DISTRICT that are not the subject of this agreement;
2. The case involves activities that cross water management district boundaries;  
or
3. Deviation would result in the case being more effectively or efficiently handled.

The Governing Board may delegate authority to staff to execute special case agreements.

## V. EMERGENCIES

In a declared emergency, pooling of staff resources and deviations from the terms of this agreement may be in the best interest of the public service and protecting or restoring property and environmental resources. Therefore, notwithstanding the divisions of responsibilities specified in this agreement, where the Governor has issued an Executive Order which declares an emergency and the DEPARTMENT and the DISTRICT have issued emergency orders to implement the Executive Order, either party to this agreement can review and take agency action on any activities regulated under Part IV of Chapter 373, F.S., that are authorized by an emergency order during the duration of the emergency orders of the DEPARTMENT and the DISTRICT.

## VI. INTERAGENCY COMMITTEE

In order to seek consistency in the environmental resource permit (ERP) program and to facilitate the implementation of the DEPARTMENT's responsibilities under Subsection 373.026(7), F.S., and Section 62-340.100, F.A.C., the DEPARTMENT and DISTRICT agree to form and participate in an ERP Committee (Committee). The Committee shall meet at least twice a year, but may meet more frequently as issues arise that require interagency coordination. The Committee shall provide a forum for the DEPARTMENT and water management districts to coordinate and communicate regarding the following:

- a. Joint training efforts to maximize the use of training resources and ensure that adequate training is provided.
- b. Promotion of consistent interpretation and implementation of ERP rules.
- c. Proposed amendments to ERP rules.

- d. Development of consistent ERP compliance and enforcement.
- e. Future revisions to the DEPARTMENT and DISTRICT operating agreements regarding the ERP program.
- f. Development of a statewide ERP data set and a computer data exchange methodology.
- g. Such other activities which the committee deems necessary or desirable to achieve and maintain the goals of this agreement.


#### VII. EFFECTIVE DATE

A. This agreement shall take effect upon execution by both parties and adoption of rule amendments which incorporate this agreement by reference.


B. Applications, petitions, and enforcement cases, under Part IV of Chapter 373, F.S., which are pending on the effective date of this agreement shall continue to be processed by the agency to which application or petition was made or which initiate the enforcement case, except when the DISTRICT and the DEPARTMENT agree, and in the case of an aquaculture activity the applicant also agrees, that an application, petition or enforcement case should be transferred in order to provide for more efficient processing and enforcement. Applications and petitions received after the effective date of this agreement will be processed as described in Section II of this agreement.

AGREED TO this 10 day of May, 2007.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT

  
Governing Board Chair  
3301 Gun Club Road  
West Palm Beach, FL 33406

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Secretary  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Legal Form Approved:

BY: 

DATE: 5/10/07